(733) XIV/392

A Collection of Acts passed by the governor general of India in Council in the year 1860

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ACT No. I of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 5th January* 1860.)

An Act to empower the Governor-General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.

Preamble.

WHEREAS it is expedient to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal; It is enacted as follows :—

Law repealed.

I. So much of Section II of Act XIV of 1843 (*for regulating the le of Customs Duties, and the manufacture of Salt in North-Western Provinces of the Presidency of Bengal*) prescribes the levy of a Duty of two Rupees per maund on the Impo Salt into the said Provinces, and of a further Duty of one Rupee per m on the transmission thereof to the Eastward of Allahabad, is repealed.

Customs Duty on Salt imported into the North-Western Provinces.

II. It shall be lawful for the Governor-General in Council to levy, on and after the 24th day of December Customs Duty not exceeding three Rupees p Salt imported into the North-Western Presidency of Bengal. A further Duty not exceeding one to be fixed by order of the Governor-General in Council, sh said 24th day of December 1859 be leviable on the transmi Eastward of Allahabad.

Indemnity [illegible] Collectors, &c.

III. Every Collector of Customs and other Officer is hereby indemnified for any thing done on and after the said 24th day of December 1859 in collecting or enforcing the Duty imposed under the provisions of this Act or by virtue of any order of Government heretofore made authorizing the levy of any such Duty ; or in otherwise carrying this Act into effect : and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

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ACT No. II of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 15th January 1860.)

An Act to amend the law relating to the Carriage of Passengers by Sea.

Preamble.

WHEREAS by Section XCIX of an Act of the Imperial Parliament called "The Passengers' Act 1855," it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage, from any Ports or places within the Territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts:" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced." And whereas it is expedient to make certain parts of the said Act of Parliament applicable to the carriage of Passengers upon the voyages hereinafter specified : It is enacted as follows :—

Certain provisions of the Statute made applicable.

I. The provisions contained in Sections II, III, and IV of this Act (being parts of the said Act of Parliament) are declared applicable to the carriage of Passengers upon the following voyages :—

Voyages

Voyages from the Ports of Calcutta, Madras, and Bombay, to the Mauritius, under Act XV of 1842.

Voyages from the Ports of Calcutta, Madras, and Bombay, to Jamaica, British Guiana, and Trinidad, under Act XXI of 1844.

Voyages from the Ports of Calcutta, Madras, and Bombay, to St. Lucia and Grenada, under Act XXXI of 1855.

Voyages from Ports in British India, to Ports in the Red Sea or Persian Gulf, under Act XXI of 1858.

Governors or Consuls may pay expenses of Passengers taken off a Passenger ship.

II. If the Passengers on any such voyage as is specified in the last preceding Section, shall be taken off from the ship carrying such Passengers, or shall be picked up at Sea from any boat, raft, or otherwise, it shall be lawful, if the Port or place to which they shall be conveyed shall be in any of Her Majesty's Colonial possessions, for the Governor of such Colony, or for any person authorized by him for the purpose, or if in any Foreign country, for Her Majesty's Consular Officer, at such Port or place therein, to defray all or any part of the expenses thereby incurred.

Governors or Consuls may send on Passengers, if the Master of the ship fail to do so.

III. If any Passenger of any such Passenger ship as aforesaid shall, without any neglect or default of his own, find himself within any Colonial or Foreign Port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at such Foreign Port or place, as the case may be, to forward such Passenger to his intended destination, unless the Master of such ship shall, within forty-eight hours of the arrival of such Passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such Passenger to his original destination, and unless such Master shall accordingly forward or carry him on within that period.

Expenses incurred under the two preceding Sections to be a Crown debt.

IV. All expenses incurred under the last two preceding Sections or either of them, by or by the authority of such Governor or Consular Officer, as aforesaid, including the cost of maintaining the Passengers until forwarded to their destination,

destination, and of all necessary beddings, provisions, and stores, shall become a debt to Her Majesty and Her successors from the Owner, Charterer, and Master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the hand-writing or of the Official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred. Provided nevertheless that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the Owner, Charterer, or Master of such Passenger ship or any of them, from or on account of the whole number of Passengers who may have embarked in such ship; which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such Passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding Section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Passengers forwarded by Governor &c. not entitled to compensation.

ACT No. III of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the* 16*th January* 1860).

An Act to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court.

Preamble.

WHEREAS it is expedient to empower Sessions Judges in the Presidency of Fort William in Bengal, to pass sentence in certain trials without reference to the Nizamut Adawlut; and whereas it is likewise expedient to remove the restriction now imposed by law upon Sessions Judges in regard to the minimum of punishment which they are competent to inflict in cases of perjury and certain cases of forgery described in Clause 2 Section IX Regulation XVII. 1817 ; It is enacted as follows :—

Laws repealed and modified.

I. Clause 3 Section VI and Clause 3 Section IX Regulation XVII. 1817 of the Bengal Code are hereby repealed ; and Section IX of the same Regulation, and Section IV Regulation VI. 1832 of the same Code, are hereby modified.

Sentence by Sessions Judge in case of conviction of rape.

II. When a person is convicted of the crime of rape, if the circumstances of the case shall not appear to call for a more severe punishment than imprisonment for seven years with labor in irons, the Sessions Judge before whom the trial is held shall himself pass sentence.

III. When

Sentence by Sessions Judge in case of conviction of a crime declared by the Sudder Court to be a penal offence.

III. When a person is convicted in a trial held under the provisions of Regulation VI. 1832, of a crime declared by a precedent of the Nizamut Adawlut to be a penal offence, if the circumstances of the case shall not appear to call for a more severe punishment than seven years' imprisonment with labor in irons, the Sessions Judge before whom the trial is held shall himself pass sentence. If, however, the crime of which the person has been convicted has not been declared to be a penal offence by a precedent of the Nizamut Adawlut, the Sessions Judge shall not proceed to pass sentence, but shall refer the case for the consideration of the Nizamut Adawlut, stating at length in the proceedings the opinion of the punchayet, assessors, or jury, and his own opinion, as to the crime proved and the nature and extent of the punishment which should be awarded.

Sentence by Sessions Judge in case of conviction of perjury or forgery.

IV. When a person is convicted of the crime of perjury or subornation of perjury or of forgery or of procuring forgery, as defined and made punishable by Regulations II. 1807 and XVII. 1817 of the Bengal Code, the Sessions Judge shall pass such sentence on the offender as he may consider adequate to the offence in reference to the particular circumstances of the case; provided that he shall in no case exceed the limit of the powers vested in him by Clause 2 Section IX of the Regulation last mentioned.

Sessions Judge may refer a case to the Sudder Court.

V. If in any case coming under the provisions of this Act, the Sessions Judge shall consider the sentence which he is empowered to pass inadequate to the guilt of the prisoner, he shall refer the case, with his sentiments, for the sentence of the Nizamut Adawlut in conformity to Section VI Act XXXI of 1841, which is hereby declared applicable to such cases.

ACT No. IV of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 23rd January* 1860.)

An Act to amend Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*).

Preamble

WHEREAS it is expedient to amend Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*): It is enacted as follows:—

Appeal to Sudder Court to be heard by two or more Judges.

I. From and after the passing of this Act so much of the 332nd Section of Act VIII of 1859, as enacts that "If the appeal lie to the Sudder Court it shall be heard and determined by a Court consisting of three or more Judges of that Court," shall be repealed, and in lieu thereof the following shall form portion of the said Section:—

"If the appeal lie to the Sudder Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court If, when the Court shall consist of only two Judges, there is a difference of opinion upon the evidence in cases in which it is competent to the Court to go into the evidence, and one Judge concur in opinion with the Lower Court as to the facts, the case shall be determined accordingly. If in a Court so constituted there is a difference of opinion upon a point of law, the Judges shall state the point upon which they differ, and the case shall be re-argued upon that question before one or more of the other Judges and shall be determined according to the opinion of the majority of the Judges of the Sudder Court by whom the appeal is heard"

II. From

II. From and after the passing of this Act the 215th Section of the said Act shall be repealed, and in lieu thereof the following shall be the 215th Section:—

Procedure on receiving application for execution of decree.

"The Court, on receiving any application for execution of a decree containing the particulars above mentioned or such of them as may be applicable to the case, shall enter a note of the application and the date on which it was made in the Register of the suit. If it shall be shown to the Court that the particulars do not correspond with the original decree, the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made. If the application be admitted, the Court shall order execution of the decree according to the nature of the application."

III. When under the provisions of Section 385 of the said Act the Act is extended to any part of the territories not subject to the general Regulations of Bengal, Madras, and Bombay, it shall be lawful for the Government to which the territory is subordinate to declare that the Act shall take effect therein subject to any restriction, limitation, or proviso which it may think proper. In such case the restriction, limitation, or proviso shall be inserted in the declaration or notification of such extension. When the Act is extended by the Local Government to any territory subordinate to such Government and such extension is made subject to any restriction, limitation, or proviso, the previous sanction of the Governor General of India in Council shall be requisite.

Extension of Act to Non-Regulation Provinces.

ACT No. V of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 8th February* 1860.)

An Act to amend Act III of 1857 (*relating to trespasses by Cattle*).

Preamble.

WHEREAS, under the provisions of Act III of 1857, fines may be levied from the owners of Cattle found trespassing and doing damage, or straying in any public place, and all unclaimed Cattle so found may be sold after sufficient notice; and whereas it is provided in the said Act that the sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle shall be applied to the payment of the salaries of pound-keepers and other purposes connected with the execution of the Act; and whereas the amount of the said sums may be larger than is required for the said purposes, and it is expedient to provide for their legal application to other purposes; It is enacted as follows :—

Appropriation of surplus fines, &c.

I. When the amount of the sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle is larger than is required for the payment of the salaries allowed to pound-keepers and the expenses incurred for the construction and maintenance of pounds and other purposes connected with the execution of the said Act, any surplus which may remain after making full provision for the said salaries and expenses may be applied, under the direction of the local Government, to the construction and repair of roads and bridges, and other works of a like nature.

II. In

MADRAS PRESIDENCY.

Procedure in dealing with the offences of forcibly opposing the seizure of Cattle, or rescuing Cattle.

II. In the territories under the Government of Fort Saint George, it shall be lawful for Police Officers, in dealing according to the provisions of Section XXVII Regulation XI. 1816 of the Madras Code with the offences specified in Section XIII of the said Act, to forward their proceedings with the offenders and witnesses either to the Magistrate or to the Criminal Judge. Magistrates shall have jurisdiction to award punishment under the said Act for such offences within the limits of the powers vested in them by law.

MADRAS PRESIDENCY.

Heads of Police &c. not to be deemed Officers having Criminal jurisdiction within the meaning of Section XIV Act III of 1857.

III. In the territories under the Government of Fort Saint George, Heads of Police, Police Ameens, and Village Moonsiffs shall not be deemed Officers having Criminal jurisdiction authorized to receive and try charges without reference by the Magistrate within the meaning of Section XIV of the said Act.

MADRAS PRESIDENCY.

Construction of the words "Heads of Villages" in Section IV Act III of 1857.

IV. Section IV of the said Act shall be read throughout the General Police District of the Presidency of Madras, as if the words "Village Inspectors" were substituted for "Heads of Villages."

Act to be read as part of Act III of 1857.

V. This Act shall be read with and taken as part of Act III of 1857.

ACT No. VI of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the* 23*rd February* 1860.)

An Act to amend Act XIX of 1847 (*Articles of War for the Native Army.*)

Preamble.

WHEREAS it is expedient to amend the 78th and 112th Articles of War for the Government of the Native Officers and Soldiers in the Military Service; It is enacted as follows:—

Powers of Commanding Officers of Native Regiments in punishing certain offences committed by Non-Commissioned Officers and Soldiers and Native Camp-followers.

I. There shall be added to the 78th Article of War for the Native Army the words following (that is to say)—

1. The Commander-in-Chief of the Presidency to which any Regiment belongs may confer the powers specified in this Article on the Commanding Officer for the time being of such Regiment. The Commanding Officer for the time being of such Regiment may summarily try all offences against the Articles of War for the Native Army committed by any person subject to those Articles (not being a Commissioned Officer), and sentence such offender on conviction, and carry out such sentence without confirmation or any further authority, notwithstanding any provision to the contrary contained in the said Articles of War; provided that such sentence shall not exceed the powers of a District or Garrison Court-Martial.

2. A Commanding Officer holding a trial under this Act shall be deemed a Court-Martial, and the word "Court-Martial" in 64, 66, 67, and 98 of the said Articles of War, so far as such Articles are applicable to persons amenable thereto, shall be deemed to include a Commanding Officer holding such trial.

3. The

3. The proceedings on such summary trials by a Commanding Officer shall be conducted in the presence of two or more European or Native Commissioned Officers, and shall be recorded in the English language, and the evidence shall be taken on oath or affirmation and interpreted by a competent Interpreter upon solemn affirmation; and when the Commanding Officer shall have recorded the finding and sentence, the proceedings shall be signed by such Commanding Officer and by the Officers in whose presence the trial was held, and shall, without delay, be forwarded to the General Officer Commanding the Division, who is hereby authorized to set aside the trial for reasons based on the merits of the case, but not of a merely technical nature, provided that every sentence so awarded by the Commanding Officer may be carried out without waiting for its approval by the reviewing Officer.

Forfeiture of pay and allowances during confinement under the 112th Article of War.

II. There shall be added to the 112th Article of War for the Native Army the words following (that is to say)—

Provided also that Soldiers subjected to confinement in the Quarter Guard, or Defaulter's Room, or to solitary confinement as aforesaid, under this Article, shall forfeit all claim to pay and allowances during such confinement, and shall receive subsistence only, according to the rates of pay laid down in the Regulations.

ACT No. VII OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th February 1860.)

An Act to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.

Preamble.

WHEREAS it is expedient to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability: It is enacted as follows:—

Laws repealed.

I. So much of Section I of Act XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other Associations, either with or without Limited Liability of the Members thereof)* as provides that nothing in that Act shall authorize any persons to form themselves into a Joint Stock Company or Association with Limited Liability for the purpose of Banking; and so much of Section XCIX of the said Act as provides that no Company established for the purpose of Banking shall be registered under that Act as a Limited Company are hereby repealed, subject to the following Proviso, that no Banking Company, claiming to issue notes in India shall be entitled to Limited Liability in respect of such issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the Shareholders shall be liable for the whole amount of the issue in addition to the sum for which they would be liable as Shareholders of a Limited Company.

Existing Company, before obtaining registration under this Act, to give notice to Customers.

II. Every existing Banking Company which shall register itself as a Limited Banking Company, shall at least thirty days previously to obtaining a certificate of Registration with Limited Liability, give notice that it is intended so to register the same, to

every

every person and partnership firm who shall have a Banking Account with the Company, and such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the Post in a registered letter addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company; and in case the Company shall omit to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with Limited Liability shall have no operation.

Limited Banking Company to furnish a statement.

III. Every Limited Joint Stock Banking Company shall, before it commences business, or if a Banking Company at the time carrying on business with unlimited Liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the Schedule hereto annexed, or as near thereto as circumstances will admit; such statement shall be in addition to the balance sheet required by the said Act to be made out and filed with the Registrar of Joint Stock Companies: a copy of such statement shall be put up in a conspicuous place in the Registered Office of the Company, and in every branch Office or place where the Banking business of the Company is carried on, and if default is made in due compliance with the provisions of this Section, each Director shall be liable to a penalty not exceeding fifty Rupees for every day during which such default continues, and such penalties shall be recovered in a summary manner.

Trust property.

IV. All such estate or interest in moveable and immoveable property, and all such deeds, bonds, obligations, and rights as may belong to, or be vested in, any person or persons in trust for any Banking Company at the date of its Registration under this Act or in trust for any other Company at the date of its Registration under the said Act XIX of 1857, shall immediately on Registration vest in such Banking or other Company, but no Merger shall take place of any estates by reason of their uniting in the Company under this Section, without the express consent of the Company, certified by some instrument under their common seal.

V. Any

Existing Banking Companies may register under this Act.

V. Any Banking Company consisting of seven or more persons having a capital of fixed amount and divided into shares also of fixed amount, legally carrying on the business of Banking previously to the passing of this Act, may at any time hereafter, with the assent of a majority of such of its Shareholders as may have been present in person, or in cases where proxies are allowed by the regulations of the Company by proxy at some General Meeting summoned for the purpose, register itself as a Company under this Act, and when so registered all such provisions contained in any Letters Patent or Deed of Settlement constituting or regulating the Company as are inconsistent with the said Act XIX of 1857 or with this Act, shall no longer apply to the Company so registered, but such Registration shall not take away or affect any powers previously enjoyed by such Company of Banking, issuing notes payable on demand, or of doing any other thing.

Registration under this Act not to affect obligations incurred previously to registration.

VI. The Registration under this Act of any Banking Company existing at the time of the passing of this Act, and hereby authorized to be registered, shall not affect or prejudice the liability of such Company to have enforced against it or its right to enforce any debt or obligation incurred, or any contract entered into, by, to, with or on account of such Company, previously to such Registration, and all such debts, obligations, and contracts shall be binding on the Company when so registered, and the other parties thereto, to the same extent as if such Registration had not taken place.

Saving of liabilities of persons holding shares before Registration under Act.

VII. Every person who at or previously to the date of the Registration under this Act of any Banking Company hereby authorized to be registered, may have held shares in such Company shall, in the event of the same being wound-up by the Court or voluntarily, be liable to contribute to the assets of the Company the same amount that he would, if this Act had not been passed, have been liable to pay to the Company, for, or on account of any debt of the Company in pursuance of any action, suit, judgment, or other legal proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

Continuation of existing actions and suits.

VIII. All such actions, suits, and other legal proceedings as may at the time of the Registration under this Act of any Company hereby authorized to be registered have been commenced by or against such Company or the Public Officer thereof, may be continued in the

the same manner as if such Registration had not taken place; nevertheless execution shall not issue against the effects of any individual Shareholder in, or member of, such Company upon any judgment, decree, or order obtained against such Company in any action, suit, or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such judgment, decree, or order, an order may be obtained for winding-up the Company in manner directed by the said Act XIX of 1857.

Winding-up XIX of 1857.

IX. All Companies registered under this Act shall be wound-up in the manner directed by the said Act

Act not to apply to Banks of Bengal, Madras, or Bombay.

X. Nothing in this Act shall affect Act VI of 1839, *(relating to the Bank of Bengal)*, Act III of 1840 *(for the incorporation of a Bank at Bombay)*, or Act IX of 1843 *(for the incorporation of a Bank at Madras)*, or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay incorporated by the said Acts respectively.

Construction of Act.

XI. This Act shall be deemed to be incorporated with and to form part of the said Act XIX of 1857.

SCHEDULE.

Form of Statement to be published by a Limited Joint Stock Banking Company.

The Liability of the Shareholders is limited.

The capital of the Company is divided into Shares of Rupees each.

The number of Shares issued is

Calls to the amount of

per Share have been made, under which the sum of Rupees has been received.

The liabilities of the Company on the first day of January (or July) were—

	Rs.	As.	P.
Notes issued, ...			
Deposits not bearing Interest, ...			
Deposits bearing Interest, ...			
Seven Day and other Bills, ...			
Total,			

The

The assets of the Company on that day were—

	Rs.	As.	P.
Government Securities, ...			
Bills of Exchange, ...			
Loans on Mortgage, ...			
Other Loans, ...			
Bank Premises, ...			
Other Securities, exclusive of unpaid Calls on Shares,.....			
Total,			

Dated the first day of or thousand eight hundred and

vagel

ACT No. VIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 12th March 1860.)

An Act for regulating the establishment and management of Electric Telegraphs in India.

Preamble.

WHEREAS it is expedient that better provision should be made for regulating the establishment and management of lines of Electric Telegraph in India; It is enacted as follows:—

Act repealed

I. Act XXXIV of 1854 *(for regulating the establishment and management of Electric Telegraphs in India)* is hereby repealed, except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation, and except also as to any license for the establishment of a line of Electric Telegraph granted under the said Act. All things done under the authority or in pursuance of the said Act, shall be as valid and effectual as if this Act had not been passed.

Governor General in Council to have the exclusive privilege of establishing Electric Telegraphs.

Proviso.

II. Within the British territories in India, the Governor-General of India in Council shall have the exclusive privilege of establishing lines of Electric Telegraph. Provided that the Governor-General of India in Council may grant a license to any person or Company to establish a line of Electric Telegraph within any part of such territories, which license shall be revocable on the breach of any of the conditions therein contained.

III. Whoever

III. Whoever shall otherwise than under a license duly granted as aforesaid establish, or after revocation of such license maintain, a line of Electric Telegraph within the said territories, shall be liable to a fine not exceeding one thousand Rupees, and for every week during which such line shall be maintained shall be liable to a further fine not exceeding five hundred Rupees.

Penalties for establishing or maintaining unauthorized Electric Telegraphs.

IV. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any service incidental thereto, shall for every such offence be liable to a fine not exceeding fifty Rupees.

Penalty for using or working such Telegraphs.

V. The Governor-General of India in Council may, on the occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under license within the said territories.

Government may take possession of Telegraphs established by license.

VI. Any Railway Company, on being required so to do by the Governor-General of India in Council, shall permit the Government to establish upon the land of such Company adjoining the line of Railway, a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

Government may establish Telegraphs on land of Railway Company.

VII. The Governor-General of India in Council may from time to time frame rules for the conduct of Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.

Governor-General in Council to frame rules for the conduct of Government Telegraphs.

VIII. The Government shall not be responsible for any loss or damage which may occur in consequence of any person employed by the Government in the Electric Telegraph Department failing to transmit with accuracy any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

Government not responsible for loss or damage.

IX. Whoever shall, without permission, enter into the signal room of a Government Telegraph Office, or shall refuse to quit the same on being requested to do so by any Officer or servant employed

Penalty for intruding into signal room &c.

employed therein, or shall wilfully obstruct or impede any such Officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred Rupees.

Penalties for cutting the line.

X. Whoever shall wilfully cause or attempt to cause any interruption to the transmission of signals along a line of Electric Telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line or posts or any instrument or apparatus, or by any other means, shall be liable to imprisonment, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for omitting to transmit or deliver messages or for divulging messages &c.

XI. Whoever, being in the employ of the Government in the Electric Telegraph Department, shall wilfully secrete, make away with, alter, or omit to transmit any message which he may have received for transmission or delivery, or shall wilfully or otherwise than by the Official order of a Secretary to the Government of India, or Government of Madras or Bombay, or Lieutenant-Governor of Bengal or of the North-Western Provinces, or of the Punjab, or Chief Commissioner of Oude, or such other Officers as the Governor-General of India in Council shall authorize to give such order, divulge any message or the purport of any message or signal to any person not entitled to receive, or to become acquainted with the same—shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalty for offering a bribe.

XII. Whoever offers a bribe to any person in the employ of the Government in the Electric Telegraph Department in order to induce such person to act in a manner inconsistent with his duty, shall be liable to be imprisoned for a term not exceeding six months, or to fine, or to both.

Penalty for misconduct.

XIII. Whoever, being in such employ, shall be guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message, shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months, or to a fine not exceeding one hundred Rupees, or to both.

XIV Whoever

Penalities for sending messages without payment to Government.

XIV. Whoever, being in such employ, shall transmit by the Electric Telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for sending fabricated message.

XV. Whoever shall transmit or cause to be transmitted by an Electric Telegraph established by Government a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Jurisdiction beyond local limits of Supreme Court.

XVI. Any person not being a European British subject, who shall beyond the local limits of the jurisdiction of a Court of Judicature established by Royal Charter, commit any of the offences mentioned in Sections X, XI, XII, XIII, XIV, and XV of this Act, shall be punishable upon conviction by any Magistrate within whose jurisdiction the offence shall be committed. If any such offence be committed beyond the said local limits by a European British subject, the offender shall be punishable upon conviction before a Court of Judicature established by Royal Charter.

Jurisdiction within local limits of Supreme Court.

XVII. Any person, whether a European British subject or not, who shall within the local limits of the jurisdiction of a Court of Judicature established by Royal Charter commit any of the offences referred to in the last preceding Section, shall be punishable upon conviction before such Court.

Fines how to be adjudged.

XVIII. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Magistrate of Police for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for the Settlement of Prince of Wales' Island, Singapore, and Malacca, Magistrate, Joint-Magistrate, or person lawfully exercising the powers of a Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Magistrate of Police, shall be punishable upon summary conviction.

XIX. All

XIX. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Police Magistrate, Magistrate, Joint-Magistrate, or person lawfully exercising the powers of a Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise, and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Fines how levied.

Imprisonment if no sufficient distress, &c.

XX. If any Servant of the Government, employed in the Electric Telegraph Department within the dominions of any Foreign Prince or State in alliance with the Government of India in which an Electric Telegraph is established by the Government, shall within the dominions of such Prince or State commit any act hereby prohibited or omit to do any act hereby required to be done by any person similarly employed within the British territories in India, such Servant of the Government shall be guilty of an offence, and on conviction thereof shall be punished in the same manner as if such act had been done or omitted within the said last mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor-General

Authority to punish Government Servants who commit offences against this Act in Foreign territory.

of India in Council to take cognizance of offences committed in such dominions by Servants of the Government, or by any Court or Magistrate or other competent Officer in any part of the British territories in India in the same manner as if the offence had been committed in such part of the said territories.

Explanation of terms.

XXI. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "Fine" shall include a penalty or forfeiture.

Government to frame rules for Telegraphs established by license.

XXII. It shall be lawful for the Governor-General in Council to frame rules for the conduct of any Electric Telegraph established by license under this Act, and to declare from time to time what portions of this Act shall be applicable to such Telegraph and to persons using the same, or employed in connexion therewith.

And to declare Act applicable to Telegraphs established within British Territories by Foreign Powers.

It shall also be lawful for the Governor-General in Council to declare from time to time that this Act, or such portions thereof as may be specified, shall be applicable to any Electric Telegraph established or to be established within the British Territories in India by any Foreign Prince or State with the consent of the British Government, and to persons using such Telegraph or employed in connexion therewith.

ACT No. IX of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 12th March 1860.)

An Act to make provision for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers.

Preamble.

WHEREAS it is expedient to make provision for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers; It is enacted as follows:—

Government may empower any Magistrate to decide disputes as to wages or price of work.

I. It shall be lawful for the Executive Government of any Presidency or place within the British Territories in India to invest any Magistrate or other Officer exercising the powers of a Magistrate with power to enquire into and decide disputes on account of wages, hire of carriage, or the price of work, between any workmen employed in the construction of any Railway, Canal, or other public work, the construction of which is or shall be sanctioned by Parliament or by any such Executive Government, and the person or persons by whom such workmen are employed.

Magistrates to have jurisdiction in what cases.

II. Magistrates empowered to decide disputes under the preceding Section shall have jurisdiction only in case the amount in dispute shall not exceed the sum of two hundred Rupees, and the claim is preferred within six months from the date on which the cause of action arose.

Government to fix and alter local limits of jurisdiction.

III. The Executive Government shall fix, and may, from time to time, alter the local limits of the jurisdiction of any Magistrate invested with jurisdiction under Section I of this Act. A Magistrate so invested may hold a Court for the investigation

tion of disputes of the nature described in the said Section, at any place within the local limits of his jurisdiction.

Procedure in the investigation of disputes.

IV. The rules for the institution of suits as provided in Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)* shall, as far as circumstances will allow, be followed in the investigation of disputes under the preceding Sections, and the procedure adopted shall be that provided for cases in which the suit may be disposed of at the first hearing.

No appeal.

V. There shall be no appeal against any decision passed under this Act.

Order for payment.

VI. The Magistrate having heard and decided the case, shall make an order for the payment of such sum of money (if any) as shall appear to him to be justly due: and if the person ordered to pay shall make default in the payment of such sum immediately or within such time as the Magistrate shall direct, the Magistrate shall issue his warrant to levy the money by distress and sale of the goods and chattels of the defaulter.

Distress.

Property distrained.

VII. If any question shall arise whether any goods or chattels seized under the warrant of distress belong to the defaulter, or are liable to be distrained and sold as aforesaid, the same shall be determined in the manner provided by the said Act VIII of 1859 for the determination of the like questions arising in the execution of decrees.

Penalty for workmen neglecting or refusing to work.

VIII. Any person who shall voluntarily engage for a stipulated period to work on any Railway, Canal, or other public work, the construction of which is or shall be sanctioned in the manner specified in Section I of this Act, or to execute any specific work in connection with such public work, and who shall wilfully and without lawful or reasonable excuse neglect or refuse to perform the work so stipulated for, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty Rupees. The Magistrate may, at the request of the complainant or of any one authorized to act on his behalf, instead of fining such person, order him to perform or get performed the work according to the terms of his contract or engagement; and if he shall fail to comply with the order, the Magistrate may, upon

upon proof to his satisfaction of such non-compliance, sentence such person to be imprisoned with or without hard labor for any term not exceeding two months.

Operation of Act.

IX. This Act shall take effect only in those districts or places to which it shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place.

ACT No. X of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA

(Received the assent of the Governor General on the 12th March 1860)

An Act to amend Act VII of 1859 (to alter the Duties of Customs on goods imported or exported by Sea.)

Preamble

WHEREAS it is expedient to amend the law relating to Customs Duties, it is enacted as follows:—

Customs Duties to be levied as prescribed in the Schedules annexed to this Act.

I. From and after the 18th day of February 1860, in lieu of the Customs Duties authorized to be charged in Acts VII of 1859 *(to alter the Duties of Customs on goods imported or exported by sea)* and XXIII of 1859 *(to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively)*, there shall be levied and collected the Duties as contained in the two Schedules A and B annexed to this Act; provided always that nothing herein contained shall be deemed to alter the existing Duties upon Salt and Opium, or to authorize the levy of Duties in any free Port, or to affect the provisions of Acts VI of 1848 *(for equalizing the Duties on goods imported and exported on Foreign and British Bottoms and for abolishing duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company)* and VII of 1848 *(to except certain free Ports from the operation of Section III Act No. VI of 1848, and otherwise to amend that Act)*.

Proviso.

Duty on Cotton Twist or Yarn sold or contracted to be delivered in India duty-paid before 18th February 1860.

II. In case it shall be proved to the satisfaction of the Collector of Customs Duties that in respect to any Cotton Twist or Yarn which on the said 18th day of February had arrived in any Port in British India but upon which the Duty of Customs had not been paid, or which had on or before that date been shipped

ped on board any Vessel in a Foreign Port and which had sailed for a Port in British India, the said Cotton Twist or Yarn had before the said 18th day of February been sold or contracted to be delivered at a price including the Duty payable in India, then in every such case such Cotton Twist or Yarn shall be admitted at a Duty of five per centum upon the value thereof.

Disputes in matters concerning the Revenue by whom to be settled.

III. If in a matter concerning the Revenue any dispute shall arise in respect to the construction of this Act or of any Act relating to Customs Duties or in respect to any other matter whatever relating to the importation or exportation of goods or merchandize, or relating to the levy or collection of the Duties thereon, the Collector or other chief Revenue authority of the Port at which the same may take place shall settle the same, subject however to an appeal to the Government of India in the Revenue Department.

Goods in bond to be treated as new importations.

IV. Whereas doubts have existed as to the conditions upon which goods or merchandize are bonded in any Port of India, in respect to the liability of such goods or merchandize to be charged with any new rate of Duty that may be imposed while yet such goods or merchandize remain in bond, be it enacted that all goods and merchandize being bonded in any Port in India shall, in the event of any change of Duties taking place, be considered in every respect in relation thereto as if they were new importations.

SCHEDULE A.

Rates of Duty to be charged on the following goods imported by Sea into any Port of India not being a free Port.

1	Bullion and Coin	Free.
2.	Precious Stones and Pearls	,,
3.	Grain and Pulse	,,
4.	Horses and other living Animals	,,
5.	Ice	,,
6.	Coal, Coke, Bricks, Chalk, and Stones	,,
7.	Cotton Wool	,,
8.	Wool	,,
9.	Flax	,,

10. Hemp

10.	Hemp	Free
11.	Jute	,,
12.	Hides and Skins, Raw	,,
13	Books	,,
14	Maps, Prints, and Works of Art	,,
15	Seeds when imported by any Public Society for gratuitous distribution ...	,,
16.	Agricultural implements	,,
17.	Machinery of all kinds	,,

And the Collector of Customs, subject to the general orders of the Government of India in the Revenue Department, shall decide what articles come within the definition of Machinery, and such decision shall be final in law.

18.	Conveyances and carriages of every description.	Free.
19.	Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service.	,,
20	Guano and manures of all kinds.	,,
21.	Porter, Ale, Beer, Cider, and other similar fermented Liquors...	4 annas the imperial gallon.
22.	Wines and Liqueurs	2 Rupees the imperial gallon.
23.	Spirits	3 Rupees the imperial gallon. And the duty to be rateably increased as the strength exceeds London Proof.
24.	Tobacco, unmanufactured	8 annas a seer of 80 tolahs' weight.
25.	Tobacco, manufactured	1 Rupee a seer of 80 tolahs' weight.
26	All articles not included in the above enumeration	10 per cent *ad valorem*.

SCHEDULE B.

Rates of Duty to be charged upon goods exported by Sea from any Port in India not being a free Port.

1.	Bullion and Coin	Free.
2.	Precious Stones and Pearls	,,
3.	Horses and other living Animals	,,
4.	Sugar and Rum	,,
5	Spirits	,,
6.	Tobacco, and all preparations thereof	,,

7. Tea

7.	Tea	Free.
8.	Coffee	,,
9.	Raw Silk	,,
10.	Cotton Wool	,,
11.	Wool	,,
12.	Flax	,,
13.	Hemp	,,
14.	Jute	,,
15.	Hides and Skins, Raw	,,
16.	Books	,,
17.	Maps, Prints, and Works of Art	,,
18.	Teak Timber exported from the Arracan, Pegu, Martaban, and Tanasserim Provinces	,,
19.	Grain and Pulse of all sorts	2 Annas the Indian Maund.
20.	Saltpetre...	2 Rupees the Indian Maund.
21.	Indigo	3 Rupees the Indian Maund.
22.	Lac Dye and Shell Lac..	4 per cent. *ad valorem.*
23.	All country articles not enumerated or named above	3 per cent. *ad valorem.*

ACT No. XI OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 9th April 1860.)

An Act to enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Enquiry.

Preamble.

WHEREAS it is expedient to issue a commission of enquiry into the practice of Indigo planting in Bengal and the relations between the Indigo Planter and the Ryots and holders of land in Bengal, and to make temporary provision for enforcing by summary process the execution of agreements entered into for the cultivation of Indigo plant; and better to provide for the punishment of certain unlawful acts connected with such cultivation; It is enacted as follows:—

Magistrate may on complaint, issue summons for appearance of a person who has received a cash advance and delays or neglects to fulfil his agreement.

I. If any person who has received a cash advance upon his agreement to cultivate Indigo plant during the season now current, shall wilfully delay or omit from and after the 4th day of April 1860, to cultivate according to the conditions of such agreement the whole quantity of land which he has agreed to cultivate, or otherwise to fulfil his engagement, it shall be competent to the Magistrate to entertain a complaint made to the above effect on oath by the Planter who has made the advance, or by any person on his behalf, and to summon the person complained of to appear before him in order to the investigation of the complaint preferred. If the Magistrate has reason to believe that the person complained of will not appear in obedience to the summons, he may issue a warrant for the arrest of such person.

Remedy.

II. On hearing the answer of the person complained of, and on taking such evidence as both parties may adduce, if the complaint be established to the satisfaction of the Magistrate, the Magistrate shall

shall assess a certain sum as damages sustained by reason of the breach of the contract. If it shall appear to the Magistrate that the person who has agreed to cultivate the Indigo plant is still able to perform his contract, the Magistrate shall order him specifically to perform the same, and shall also in such case award a certain sum to be paid as damages as an alternative. In cases in which the land to be cultivated with the Indigo plant is defined by the agreement, the Magistrate may order the attachment, as a security for the amount of the damages assessed or to be assessed for the breach of the agreement, of any other crop of the defaulter that may at any time during the present season be growing on such land. If after an order for specific performance of agreement the defendant fail to perform the agreement or to pay the amount of damages ordered to be paid as an alternative, or if after an order for payment of damages the same be not immediately paid, the Magistrate may order the defendant to be imprisoned in the Civil Jail for a term not exceeding three months; and may on the motion of the complainant furthermore proceed to levy the damages assessed from the property of the defendant, in the mode provided for enforcing decrees of Court under Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)*. Provided that if the amount of the said damages is paid or levied within the aforesaid term of three months, the defendant shall be released from Jail on that amount being paid or levied.

Proviso.

If agreement obtained by force or intimidation, complaint to be dismissed

III. In case it shall appear to the satisfaction of the Magistrate that the agreement has been obtained by means of fraud, force, or unlawful intimidation, the complaint shall be dismissed.

In what cases Magistrate may levy costs and compensation from complainant.

IV. If any complaint preferred under this Act be dismissed for want of proof or appearance of the complainant, or for any other cause, the Magistrate may order the complainant to pay such amount for costs and compensation as he may think reasonable. In default of payment of any such amount, the same may be levied by distress and sale of the property of the person ordered to pay the same.

Penalty for intimidation, &c.

V. If any person from and after the 4th day of April 1860, shall by violence, threats, or otherwise intimidate or attempt to intimidate any other person who shall have entered into any such agreement as aforesaid, with the intention of inducing such person to break the

the conditions thereof, he shall, on conviction before a Magistrate, be liable to a sentence of imprisonment with or without labor for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

Penalty for destroying or damaging crops.

VI. If any person shall maliciously destroy or damage, or if any person shall maliciously command, compel, or persuade any other person to destroy or damage any growing crop of Indigo, he shall, on conviction before a Magistrate, be liable to be sentenced to imprisonment with or without labor for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

No Appeal.

VII. No Appeal shall lie from the decision of a Magistrate under this Act.

Jurisdiction.

VIII. The power of a Magistrate under this Act may be exercised by any person vested with the full powers of a Magistrate, and by any Assistant Magistrate or Deputy Magistrate specially empowered on that behalf by the local Government.

Effect of decision of Magistrate under this Act.

IX. A decision of a Magistrate shall be a bar to any further proceeding for the same breach of agreement. No decision under this Act shall have any force or effect in regard to anything not to be performed during the current season.

Duration and territorial scope of Act.

Limitation of action.

X. This Act shall have effect from and after the 4th day of April 1860, and shall not extend beyond the Territories subject to the Lieutenant-Governor of Bengal. And no complaint or prosecution shall be entertained under this Act, unless preferred within six months from the date aforesaid

Certain post orders declared valid.

XI. All orders made or acts done before the 4th day of April 1860, which would have been lawful if the Bill "to enforce the fulfilment of Indigo Contracts" as read a second time on the

24th

24th day of March 1860 had then become law, are hereby declared to be valid.

Indemnity.

And all Magistrates and other Public Officers are hereby indemnified for any acts done before the said 4th day of April 1860, which would have been justifiable under the said Bill if the same had become law on the said 24th day of March 1860.

Appointment of Commission of Enquiry.

XII. The Lieutenant-Governor of Bengal shall, as soon as conveniently may be, issue a Commission to such persons as the said Lieutenant-Governor shall think fit, for the purpose of enquiring into and reporting on the system and practice of Indigo planting in Bengal and the relations between the Indigo Planter and the Ryots and holders of land in Bengal aforesaid. The said Commissioners shall fully enquire into the matters aforesaid, and shall, as soon as they conveniently can, report to the Lieutenant-Governor the result of their enquiries, and shall in their report or reports suggest such alterations, if any, as may in their opinion be beneficially made in the law relating to the system and practice and the relations aforesaid.

Death or resignation of any of the Commissioners.

XIII. In case of the death or resignation of any of the said Commissioners, or of any of them becoming unable or refusing to act, it shall be lawful for the other Commissioners or Commissioner to act alone, and all the powers by this Act given to Commissioners shall and may be exercised by the continuing Commissioners or Commissioner alone, but only until such vacancy can be filled up. It shall be lawful for the said Lieutenant-Governor from time to time, and he shall as soon as conveniently may be, without issuing a new Commission, appoint some other person or persons to act as a Commissioner or Commissioners jointly with the continuing Commissioners or Commissioner, and in such case all the powers conferred by this Act shall and may be exercised by the said newly appointed Commissioner or Commissioners jointly with the continuing Commissioner or Commissioners.

Attendance of witnesses.

XIV. It shall be lawful for the Commissioners aforesaid, by a summons under the hand of any one of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever, residing or being within the Lieutenant-Governorship of Bengal, whose evidence shall in the judgment of the Commissioners aforesaid be material to any of the matters of the enquiry aforesaid, and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds, and writings as to them the said Commissioners

Commissioners shall appear necessary for arriving at the truth of the matters directed to be enquired into by the said Commissioners, all which persons shall accordingly attend before the said Commissioners, and shall produce such books, papers, deeds, and writings as shall be required of them and shall be in their custody and control or in the custody and control of any one of them according to the tenor of the summons. Provided always that no person shall be compelled to attend before the said Commissioners or to give his evidence at a greater distance than fifty miles from the place where such person shall be residing.

Proviso

XV. It shall be lawful for the Commissioners aforesaid, or one of them, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation in such form as to them the said Commissioners shall seem fit, to all persons who shall be examined before them touching the matters to be enquired into by them as aforesaid. Provided that nothing herein contained shall render it necessary for the said Commissioners to take evidence upon oath or affirmation unless they shall think fit or expedient so to do.

Examination of witnesses on oath or affirmation.

Proviso.

XVI. If any person, upon whom any such summons shall be served by the delivery thereof to him or by the leaving thereof at his usual place of abode, being a person living within fifty miles of the place at which he shall be required to attend, without reasonable cause (to be allowed by the Commissioners aforesaid) fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be) or shall not make answer to such questions as shall be put to him touching the matters directed, or which may hereafter be directed, to be enquired into by the Commissioners aforesaid, or shall refuse or fail without reasonable cause (to be allowed by the Commissioners aforesaid) to produce and show to the said Commissioners any such paper, book, deed, or writing being in his possession or under his control as to the Commissioners aforesaid shall appear necessary for arriving at the truth of the matters to be enquired into by them, the Commissioners aforesaid shall have the same powers in all respects touching any such person so failing to appear or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him or refusing to produce and show any such book, paper, deed, or writing as aforesaid, as the principal Court of original Civil jurisdiction within the limits

Witnesses neglecting to attend &c.

limits of which the said person shall be residing, may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence on any issue joined in any action depending in such Court.

Expenses of witnesses.

XVII. Whenever a summons is issued for the attendance of a witness under this Act, the Commissioners may if they think fit order such witness to receive from the Collector such travelling and other expenses as he would have been entitled to receive had he been summoned to appear and give evidence in the principal Court of original Civil jurisdiction in the District.

Punishment for false evidence.

XVIII. Every person who, upon examination upon oath or affirmation before the Commissioners aforesaid, shall wilfully give false evidence, shall be liable to the punishment of perjury.

ACT No. XII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th April 1860.)

An Act relating to the Emigration of Native Laborers to the British Colony of Saint Vincent.

Preamble.

WHEREAS it is expedient to render lawful the emigration of laborers, being Native Inhabitants of British India, to the British Colony of Saint Vincent, and to extend the provisions of Act XXXI of 1855 *(relating to the emigration of Native laborers to the British Colonies of Saint Lucia and Grenada)* to the emigration of Native Inhabitants of British India who may emigrate to Saint Vincent: It is enacted as follows:—

Act repealed.

I. Act XIV of 1839, in so far as it renders liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the British Colony of Saint Vincent, or who shall knowingly aid or abet any Native of India in emigrating from the Ports of Calcutta, Madras, and Bombay respectively, to the said Colony, is repealed.

Act XXXI of 1855 extended.

II. All the provisions of Act XXXI of 1855, and of the Schedule thereto, shall extend and apply to Native Inhabitants of the British Territories in India who shall emigrate to Saint Vincent, and that Act shall be read as if the words "or the British Colony of Saint Vincent" had been inserted therein after the words "Saint Lucia and Grenada," or "Saint Lucia or Grenada," wherever those words occur in the said Act.

III. This

III. This Act shall take effect as to the said Colony of Saint Vincent from the day when the Governor General of India in Council shall notify in the Calcutta Gazette that such Regulations have been provided and such measures taken as the Governor General in Council deems necessary for the protection of such emigrants during their residence in the said Colony of Saint Vincent and in respect of their return to India.

Commencement of Act.

ACT No. XIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th April 1860)

An Act to repeal certain Laws relating to the jurisdiction of the Zillah Court of Furruckabad.

Preamble.

WHEREAS it is expedient to repeal certain Laws relating to the jurisdiction of the Zillah Court of Furruckabad; It is enacted as follows:—

Laws Repealed.

I. Section VIII of Regulation II. 1803 of the Bengal Code *(enacting a rule for the guidance of the Zillah Court of Furruckabad, with reference to complaints preferred against any of the dependants of the Nawab of Furruckabad)* and Act XII of 1836 *(relating to the execution by the said Court of certain decrees passed by the Nawab under the provisions of the said Regulation)* are hereby repealed.

PRICE 6 PIES.

ACT No. XIV of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 26th April* 1860.)

An Act to provide for the execution of process within the premises occupied by His Majesty the King of Oude.

Preamble.

WHEREAS it is expedient to make provision for the execution of process within the premises occupied by His Majesty the King of Oude; It is enacted as follows:—

Execution of Civil process.

I. When any process, issued by any Civil Court, Collector, or other Revenue Officer in Her Majesty's East Indian Territories, is required to be served or executed within the premises occupied by the King of Oude, such process shall be transmitted to the Officer appointed to be Agent with His Majesty on the part of the British Government, and such Officer shall cause such process to be served or executed according to the exigency thereof, and shall return the same with a certificate of what shall have been done thereon.

Execution of Criminal process.

II. When any process issued by any Criminal Court, Justice of the Peace, Magistrate, or Officer exercising the powers or any of the powers of a Magistrate in Her Majesty's East Indian Territories, is required to be served or executed within the premises occupied by the King of Oude, such process may, at the discretion of the Court or Officer issuing the same, be transmitted to the Officer who shall have been appointed Agent with His Majesty on the part of the British Government, and in such case such Officer shall cause such process to be served or executed according to the exigency thereof, and shall return the same with a certificate of what shall have been done thereon.

III. Every

III. Every certificate returned by the Agent with His Majesty under this Act, shall in all cases be admitted as *primâ facie* proof of the truth of the matter stated therein.

Proof of execution.

IV. It shall be lawful for the Governor General in Council to define, for the purposes of this Act, by notification in the Calcutta Gazette, the limits of the premises occupied by the King of Oude, and from time to time in like manner to alter such limits.

Limits of residence how to be defined.

ACT No. XV of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA

(Received the assent of the Governor General on the 26th April 1860.)

An Act to amend and extend Act XXII of 1836 (relating to the levy of a Toll on Boats, Rafts, and Floats passing through the Circular and Eastern Canals).

Preamble.

WHEREAS it has been found necessary to open for traffic a new Canal leading from the late Toll House at Dhappa to Ooltadanga, and it is expedient that a Toll should be levied on Boats, Rafts, and Floats passing through the said Canal; It is enacted as follows:—

New line of Canal made subject to Section II Act XXII of 1836.

I. The following line of navigation, from the date of the passing of this Act, shall be subject to the provisions of Section II Act XXII of 1836, in like manner as is enacted with respect to the two lines of navigation therein described (that is to say)—

The line of Canal running North from the late Toll House at Dhappa to Ooltadanga where it joins the Circular Canal.

Act to be construed as part of Act XXII of 1836.

II. This Act shall be construed as part of the said Act XXII of 1836.

ACT No. XVI of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th April 1860.)

An Act to amend Act XIV of 1856.

Preamble

WHEREAS it is enacted by Section CXXI of Act XIV of 1856 *(for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca)* that certain Bye-laws made by the Municipal Commissioners shall be transmitted to the Clerk of the Legislative Council as soon as conveniently may be after the confirmation thereof, and that no such Bye-law shall have effect if disallowed by order of the Legislative Council; and whereas doubts have arisen whether the Legislative Council can legally disallow any such Bye-laws by an order, or in any other manner than by a Law or Regulation, and it is expedient to avoid such doubts and to make other provision for disallowing such Bye-laws; It is enacted as follows:—

Section repealed.

I. Section CXXI of the said Act XIV of 1856 is hereby repealed.

Disallowance of Bye-laws by the local Government.

II. No Bye-law made under the provisions of the said Act, though confirmed by the local Government, shall continue in force after it shall have been disallowed by the local Government, except as to an act done or a breach of such Bye-law committed before the disallowance thereof.

III. Every

III. Every disallowance of such a Bye-law shall be published in the Government Gazette, or in one or more of the public newspapers; and all Courts and Magistrates shall take judicial notice of such disallowance.

Publication of disallowance.

ACT No. XVII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th April 1860.)

An Act to repeal Act V of 1858 *(for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders), and to make certain provisions in lieu thereof.*

Preamble.

WHEREAS it is expedient to repeal Act V of 1858 *(for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders)*, and to make certain provisions in lieu thereof; It is enacted as follows:—

Act V of 1858 repealed.

I. Act V of 1858 is repealed except as to any sentences passed under that Act.

Time for the surrender of certain escaped offenders.

II. It shall be competent to the Executive Government of any Presidency or place to declare by an order, as regards any or all of the Districts under such Government, the time within which the persons, who within such District or Districts shall, between the first of May 1857 and the time so declared, have escaped from Jail or other lawful custody whilst detained under sentence of imprisonment for any of the crimes hereinafter mentioned, could and ought to have surrendered themselves to a Magistrate or Police Officer; and no such person who shall have so surrendered himself within the period fixed as aforesaid, shall be liable to be prosecuted under this Act.

III. Every

III. Every person who, whilst detained as aforesaid, shall have escaped from Jail or other lawful custody during the period mentioned in the last preceding Section, and who shall not have surrendered himself within the time declared by the Executive Government as aforesaid, may be sentenced to transportation for life or for any shorter period not being less than five years, or to imprisonment with or without hard labor in irons for any period not exceeding three years, in addition to any unexpired term of his original sentence. In any case falling within the provisions of this Section in which the Magistrate shall be of opinion that in addition to the unexpired term of the offender's original sentence, a more severe sentence than that which such Magistrate is by any law for the time being in force empowered to pass is not called for, it shall not be necessary for the Magistrate to order the commitment of the offender to the Sessions Court, but he may himself pass sentence to the extent of his powers and proceed to carry the sentence into execution.

Punishment for not surrendering within the time aforesaid.

In what cases Magistrate may pass sentence without commitment to Sessions Court.

IV. All sentences already passed in cases falling within the provisions of Act V of 1858, shall be deemed valid, any thing in the said Act to the contrary notwithstanding.

Sentences under Act V of 1858, to be deemed valid.

V. If any person subject to the penalty prescribed in Section I Act V of 1858, shall, before the passing of this Act, have been remanded to Jail under the order of a Magistrate to undergo the portion of his sentence remaining unexpired at the date of his escape from Jail or other lawful custody, such person shall not be liable to be prosecuted under this Act.

Certain escaped offenders, remanded to Jail, not liable to be prosecuted under this Act.

VI. The following are the crimes referred to in Section II, namely rebellion, mutiny, desertion, murder, attempts to murder, thuggee, dacoity, robbery, belonging or having belonged to a gang of thugs or to a gang of dacoits or to a wandering gang associated for the purposes of theft or robbery.

Enumeration of crimes referred to in Section II.

VII. Whoever shall knowingly harbour or conceal, or assist in harbouring or concealing, any such convict who shall have escaped as aforesaid and shall not have surrendered within the period provided in Section II of this Act, shall be liable to imprisonment

Punishment for knowingly harbouring or concealing offenders.

sonment, with or without hard labor for any term not exceeding seven years, and shall also be liable to fine.

Liability of landholders to give early intelligence of the resort of escaped prisoners to their estates.

VIII. All proprietors of lands, and all farmers, agents, and other persons having the charge or management of lands, are hereby declared accountable for the early communication to the Magistrates and Police Officers of intelligence of the resort, to any place within the limits of the lands held or managed by them, of any person in respect of whom there shall be reasonable suspicion of his being such convict who has escaped as aforesaid; and every proprietor or other person as aforesaid who shall neglect to give such intelligence, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding six months, and to fine not exceeding two hundred Rupees, commutable, if not paid, to imprisonment for a further term not exceeding six months.

Magistrates &c. authorized to tender pardon in certain cases.

IX. Any Magistrate or person exercising the full powers of a Magistrate, unless prohibited by order of the Executive Government, is hereby authorized, without reference to any other authority, to tender a pardon to any person who may have escaped from Jail or other lawful custody whilst detained under sentence of imprisonment for any crime or offence other than the crimes above-mentioned, on condition of his giving such information as may lead to the apprehension and conviction of one or more person or persons punishable under this Act. Such pardon may be tendered, as well in respect of the crime or offence for which the offender was detained, as of the offence of escaping from Jail.

Jurisdiction.

X. Offences under this Act, other than those provided for by Section VIII of this Act, may be tried by a Sessions Judge, or by a Special Commissioner appointed under Act XIV of 1857 (*to make further provision for the trial and punishment of certain offences relating to the Army and of offences against the State*); and the sentence or judgment shall not be subject to appeal. Provided that nothing contained in this Section shall extend to the trial of a European British subject.

XI. If

Executive Government may transport in cases where an unexpired sentence, together with the sentence for escaping from Jail, amounts to five years.

XI. It shall be competent to the Executive Government of any Presidency or place to direct that any person, who shall be convicted of escaping from Jail or other lawful custody whilst undergoing a sentence of imprisonment, shall be transported for the term remaining unexpired of such sentence as well as for any additional term of imprisonment to which such person shall be sentenced for making his escape, provided that the aggregate of both terms shall not be less than five years.

ACT No. XVIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th April 1860.)

An Act to continue in force for a further period of three months Act XXI of 1859, for providing for the exercise of certain powers by the Governor-General during his absence from his Council.

Preamble.

WHEREAS the Governor-General has represented that it is expedient that he should be enabled to prolong his absence from Calcutta and that the said Act should be continued for a further period of three months; It is enacted as follows:—

Act XXI of 1859 continued for three months.

I. Act XXI of 1859 shall continue in force for the period of three months from the 9th day of May 1860.

ACT No. XIX of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 1st May 1860).

An Act to amend Act XXII of 1855 (for the regulation of Ports and Port-dues), and Act VII of 1858 (for the levy of Port-dues at Ports within the Presidency of Fort St. George.)

Preamble.

WHEREAS it is expedient that Port-dues, fees, and charges, leviable under Section XLIX of Act XXII of 1855, if not paid in the Port in which any such dues, fees, or charges, may under the said Act have become due and payable, shall be recoverable in any Port in British India by the Collector of Customs or other Officer authorized to collect such Port-dues, fees, and charges, in any such Port, and that in certain cases Vessels shall be exempt from such dues, fees, and charges: It is enacted as follows:—

Port-dues &c. payable in one Port, recoverable by Collector at any other Port.

I. If the Master of any Vessel in respect of which any Port-dues, fees, or charges shall be payable under the said Act, shall cause such Vessel to leave any Port without having discharged such dues, fees, or charges, it shall be lawful for the Collector of Customs or other Officer authorized to collect the same to require in writing the Collector of Customs or other Officer as aforesaid, in any other Port in British India to which such Vessel may proceed or in which she may be, to levy such dues, fees, or charges; and every Collector or other Officer to whom such requisition shall be directed shall proceed to levy such dues, fees, or charges in the manner prescribed in Section XLIX of the said Act; and a certificate purporting to be made and signed by the Collector of Customs or other Officer as aforesaid of the Port where the Port-dues, fees, or charges became payable,

payable, stating the amount so payable, shall be sufficient *prima facie* proof of such amount in any proceeding under the said Section, and also (in case the amount payable is disputed) in any subsequent proceeding under Section LIX of the said Act.

Penalty for evading payment of Port-dues, &c.

II. If the Master of any such Vessel shall evade the payment of any Port-dues, fees, or charges payable under the said Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable. In any proceeding before a Magistrate for the adjudication of the said penalty, any such certificate as is mentioned in Section I of this Act, stating that the Master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the Master shall show to the satisfaction of the Magistrate that the departure of the Vessel without having discharged the dues, fees, or charges payable was caused by stress of weather or that there was lawful or reasonable ground for such departure.

Construction of Act.

III. This Act shall be read with and taken as a part of the said Act XXII of 1855, save that any Magistrate having jurisdiction under the said Act in any Port, River, or Channel to which the Vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this Act.

No Port-due on Vessels leaving any Port mentioned in Act VII of 1858 within 48 hours without discharging or taking in cargo.

Port-due on Vessels leaving as aforesaid within seven days.

IV. Section III of Act VII of 1858 is modified as follows (that is to say)—

Vessels entering any of the Ports in the Schedule to the said Act mentioned, and departing from such Ports within forty-eight hours without discharging or taking in any cargo or passenger therein, shall not be charged with any Port-due; and Vessels so entering and departing as aforesaid within seven days shall be charged with one half only of the Port-dues leviable under the said Act.

ACT No. XX of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 1st May 1860.)

An Act for settling Promissory Notes of the Government of India producing an annual income of one lac of Rupees and a Mansion-house and hereditaments called Mazagon Castle, in the Island of Bombay, late the property of Sir Jamsetjee Jejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith.

Preamble.
Patent of Baronetcy.

WHEREAS by Letters Patent of her Majesty Queen Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, dated at Westminster on or about the sixth day of August, in the Twenty-first year of Her Reign, and by Warrant under the Queen's sign-manual, Her said Majesty made known that she, of her special grace, certain knowledge, and mere motion had erected, appointed, and created Sir Jamsetjee Jejeebhoy, then of Bombay, Knight, but since deceased (a man eminent for family inheritance, estate, and integrity of manners,) to and into the dignity, state, and degree of a Baronet, and him, the said Sir Jamsetjee Jejeebhoy for Her Majesty, her heirs, and successors, she did erect, appoint, constitute, and create a Baronet, by the said Letters Patent, to hold to him and the heirs male of his body lawfully begotten, and to be begotten for ever.

Proposed settlement in support of dignity.

And whereas, in fulfilment of an engagement in that behalf made with Her Majesty's Government, during the life time of the said Sir Jamsetjee Jejeebhoy, deceased, the said Sir Jamsetjee Jejeebhoy was desirous of settling in perpetuity such property on himself and the

heirs

heirs male of his body who might succeed to the said Baronetcy, as should be adequate to support the dignity of the title conferred on him and them as aforesaid

Of Mansion and other hereditaments.

And whereas the said Sir Jamsetjee Jejeebhoy was seised of a Mansion-house and hereditaments situate in the Island of Bombay called Mazagon Castle, and had an absolute estate of inheritance therein, and was desirous in fulfilment of the aforesaid engagement, of settling Promissory Notes of the Government of India producing an annual income of one lac of Rupees and the said Mansion-house and hereditaments, to the uses, upon the trusts, and for the purposes hereinafter limited and declared, concerning the same respectively.

And of Government Promissory Notes.

Desire of first Baronet that his successors should take his names.

And whereas the said Sir Jamsetjee Jejeebhoy was also desirous that the heirs male of his body to whom the said title and dignity of Baronet should descend, should take and bear the names of "Jamsetjee Jejeebhoy" in lieu of any other name or names whatever which they respectively might bear at the time of such descent on them respectively; and he was also desirous that the Revenue Commissioner for the Northern Division of the Presidency of Bombay, the Accountant General, and the Sub-Treasurer at Bombay for the time being should be Trustees of the aforesaid Promissory Notes, and be likewise the Trustees for carrying into execution the general purposes and powers of this Act, with relation to the same securities, and also with relation to the same Mansion-house and hereditaments.

And whereas the said Sir Jamsetjee Jejeebhoy departed this life on the 14th of April 1859, before the aforesaid engagement with Her Majesty's Government was carried out on his part, and by his Will, dated the 9th of April 1853, duly signed and executed by him, gave and devised the residue of his estate, houses, lands, securities, monies, and effects to and amongst his sons Cursetjee Jamsetjee, Rustomjee Jamsetjee and Sorabjee Jamsetjee, and appointed his wife Avaboye and his said three sons, the Executrix and Executors of his said Will, and the said Will has since been duly proved by the said Cursetjee Jamsetjee, Rustomjee Jamsetjee, and Sorabjee Jamsetjee alone; and whereas on the death of the said Sir Jamsetjee Jejeebhoy the said title or dignity of Baronet created by Her Majesty's said Letters Patent, devolved on and became and is now vested in the said Cursetjee Jamsetjee as the eldest son and heir male of the body of the said Sir Jamsetjee Jejeebhoy, deceased.

And

And whereas the said Cursetjee Jamsetjee, the second and present Baronet, Rustomjee Jamsetjee, and Sorabjee Jamsetjee as the sons, residuary legatees, and executors of the said Sir Jamsetjee Jejeebhoy, deceased, and the said Avaboye, now the Dowager Lady Jejeebhoy as executrix of the said Sir Jamsetjee Jejeebhoy, deceased, in fulfilment of the engagement so as aforesaid entered into by the said Sir Jamsetjee Jejeebhoy, deceased, with Her Majesty's Government, are desirous of settling the said Government Promissory Notes, and the said Mansion-house and hereditaments so as aforesaid agreed to be settled by the said Sir Jamsetjee Jejeebhoy, deceased, for the purpose of supporting the dignity of the said Baronetcy, to the uses, upon the trusts, and for the purposes hereinafter limited and declared concerning the same respectively. And whereas the said Dowager Lady Jejeebhoy is desirous that the said Mansion-house and hereditaments called Mazagon Castle, with their rights, members, and appurtenances shall be released, exonerated, and discharged from her right or title (if any) to dower or thirds and every other right, interest, or estate whatsoever which she, the said Dowager Lady Jejeebhoy, may or might have or claim to have in the said premises under any custom or law of the Parsees, or otherwise howsoever.

And whereas the aforesaid purposes cannot be effected without this Act of the Legislative Council of India.

It is enacted as follows:—(The sanction of Her Majesty having been previously obtained and signified in pursuance of an Act passed in the seventeenth year of the reign of Her said Majesty, entitled "An Act to provide for the Government of India.")

The Revenue Commissioner, Northern Division, the Accountant General, and the Sub-Treasurer of Bombay to be a Corporation for execution of trusts of this Act.

I. The Revenue Commissioner for the Northern Division of the Presidency of Bombay, the Accountant General, and the Sub-Treasurer at Bombay shall, for the purposes of this Act, be a Corporation, and such Revenue Commissioner, Accountant General, and Sub-Treasurer shall be, and they are hereby constituted, as such corporation, the Trustees for executing the powers and purposes of this Act, and all the powers hereby vested in such Revenue Commissioner, Accountant General, and Sub-Treasurer as Trustees for the purposes of this Act shall be exercised by the persons for the time being acting as such Revenue Commissioner, Accountant General, and Sub-Treasurer.

II. The

The present and all future Baronets to take names of first Baronet.

II. The present Baronet and all other the heirs male of the body of the said first Baronet to whom the said title and dignity shall descend, pursuant to the limitation of the Patent whereby the said dignity is granted, shall take upon themselves respectively the names of "Jamsetjee Jejeebhoy" in lieu and in the place of any other name or names whatever, and the present Baronet and all such other heirs male of the first Baronet severally and successively shall be called by the names of "Jamsetjee Jejeebhoy," and by those names shall name, style, and write themselves respectively upon all occasions whatsoever.

Government Promissory Notes producing an annual income of one Lac vested in Trustees.

III. Immediately from and after the passing of this Act, Promissory Notes of the Government of India producing an annual income of not less than one lac of Rupees shall be transferred into the name of the said Corporation, who shall hold the same upon the trusts and for the purposes hereinafter expressed concerning the same (that is to say) upon trust, if the same should be discharged by the Government of India, to invest the said sum in or on any stocks, funds, or securities of the Government of the United Kingdom of Great Britain and Ireland or of the Government of India, and in like manner as often as the same shall become necessary, to alter, vary, and change such stocks, funds, and securities for others of the same or like nature, and upon further trust, from time to time to pay and apply the dividends, interest, and annual income of the said stocks, funds, and securities unto and for the benefit of the present Baronet, and the person who, as heir male of the body of the said first Baronet, shall, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, notwithstanding any rule of law or equity to the contrary, and upon failure and in default of heirs male of the body of the said first Baronet to whom the same title and dignity of Baronet may descend, upon trust for the present Baronet, his executors, administrators, and assigns, which ultimate remainder or reversion, it shall be lawful for the present Baronet, his executors, administrators, and assigns, at any time or times, during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said first Baronet as aforesaid, to assign, transfer, bequeath, and dispose of by deed or will, or other assurance or assurances.

On trust to re-invest, if paid off.

And to pay income to the Baronet for the time being.

With ultimate trust for second Baronet, his executors, administrators, and assigns and power to dispose thereof.

IV. The

IV. The Trustees for the time being acting in the execution of the trusts hereby created during the minority of any person for the time being entitled to and in enjoyment of the said dignity of Baronet under the limitations of the said Letters Patent, shall pay and apply for and towards the maintenance, education, and benefit of such Baronet, in each and every year during such his minority as aforesaid, so much only of the annual interest, dividends, and income of the said Trust Funds and premises as such Trustees shall, in their discretion, think proper, and shall, from time to time, invest the residue of the said annual dividends, interest, and income of the said Trust Funds and premises in and upon the stock, funds, and securities of the Government of the United Kingdom of Great Britain and Ireland, or of the Government of India, and shall, upon such Baronet attaining his majority, pay over, transfer, and assign to him or as he shall direct, and for his absolute benefit, the said investments and all accumulations thereof.

Power to Trustees to invest the surplus annual interest and income of the Trust Fund and premises during the minority of any Baronet, &c.

V. The mansion-house and other hereditaments called Mazagon Castle, situate in the Island of Bombay, with their rights, members, and appurtenances, of which the said first Baronet was seised to him and his heirs, shall, by force of this Act, from and immediately after the passing thereof, stand limited to the uses following (that is to say,) to the use of the present Baronet, and the heirs male of the body of the said first Baronet who may succeed to the title of Baronet, conferred by the said Letters Patent as aforesaid, and upon failure and default of heirs male of the body of the said first Baronet to whom the same title and dignity of Baronet may descend as aforesaid, to the use of the present Baronet, his heirs, and assigns for ever, which ultimate remainder or reversion it shall be lawful for him and his heirs and assigns, at any time or times during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said first Baronet as aforesaid, to grant, convey, devise, and dispose of by deed or will, or by any other assurance or assurances by which such an estate in remainder or reversion is capable by law of being conveyed or disposed of, by Parsee inhabitants of British India.

Settlement of Mansion &c., in support of Baronetcy.

With ultimate remainder to the second Baronet in fee and power to dispose thereof.

VI. Provided always that in case any person who for the time being shall be the heir male of the body of the said first Baronet to whom the said title of Baronet shall have descended, shall, for the space of one whole year after he shall, by virtue

Provision in case of refusal or discontinuance of names of first Baronet.

virtue of this Act, become entitled to the dividends, interest, and income of the said stocks, funds, and securities, or to the possession or receipt of the rents and profits of the said hereditaments; or being then under age shall, for the space of one whole year after he shall attain the age of twenty-one years, refuse or neglect to use the names of "Jamsetjee Jejeebhoy" as hereinbefore enacted, or in case any such person having so used those names shall, for the space of six calendar months consecutively during his natural life, discontinue so to use such names, then, in any or either of the said cases, the estate or interest of the person who shall so refuse or neglect to use, or having used shall so discontinue to use the said names of "Jamsetjee Jejeebhoy" shall, during the remainder of his respective natural life, be suspended; and that, during any and every such suspension, the dividends, interest, and income of the said stocks, funds, and securities and the possession and actual occupation, and also the rents and profits of the said hereditaments, shall devolve and belong to the person who, as heir male of the body of the first Baronet, would have succeeded to and been in the enjoyment of the title of Baronet conferred by the said Letters Patent in case the person so refusing or neglecting to use or discontinuing to use the said names of "Jamsetjee Jejeebhoy" had departed this life, but if there should be no such heir male, then to the person or persons who would be entitled to the same in case there had then been a total failure of issue male of the first Baronet entitled to the said dignity of Baronet.

Baronet in possession may jointure.

VII. It shall be lawful for the present Baronet and for any person upon whom the said title of Baronet shall, from time to time, descend, when in the actual enjoyment of the said title, and who shall not refuse, neglect, or discontinue to use, for the respective periods hereinbefore in that behalf mentioned, the said names of "Jamsetjee Jejeebhoy" as hereinbefore enacted, either before or after his marriage with any woman or women by any deed or deeds, writing or writings with or without power of revocation to be by him sealed and delivered in the presence of two or more credible witnesses (but subject and without prejudice to any annuity or annuities, if any, which shall be then subsisting and payable by virtue of any appointment made under and in pursuance of this present power) to limit and appoint unto any woman or women whom he shall marry for her or their life or lives, and for her or their jointure or jointures in bar of dower or other legal or customary rights, any annuity or yearly sum not exceeding the sum of Company's Rupees ten thousand, clear of all taxes, charges, and deductions whatsoever, to commence and take effect immediately after the decease of the person limiting or appointing the

the same and to be issuing and payable out of the dividends, interest, and annual income of the said stocks, funds, and securities, and to be paid and payable by equal half yearly payments on the thirtieth day of June, and the thirty-first day of December, the first of the said half-yearly payments to be made on the half-yearly day which shall first happen after the decease of the person who shall have appointed such annuity or yearly sum, provided always that, in case any person on whom such title shall descend, shall have refused or neglected to use the names of "Jamsetjee Jejeebhoy" or shall discontinue to use such names for six calendar months consecutively during his natural life, every such limitation and appointment, either previously or afterwards made by him, shall be and become inoperative and invalid, and no such annuity thereby created or appointed shall take effect or be payable or chargeable on the said stocks, funds, and securities notwithstanding any such limitation or appointment.

Limit of aggregate of jointure payable contemporaneously

VIII. Provided always that the said dividends, interest, and annual income of the said stocks, funds, and securities shall not at one and the same time be subject to the payment of more than the yearly sum of Company's Rupees twenty thousand for or in respect of any jointure or jointures which shall be made in pursuance of the power hereinbefore contained, so that if by virtue of, or under the same power, the said dividends, interest, and annual income would, in case this present provision had not been inserted, be charged at any one time with a greater yearly sum for jointures in the whole than the yearly sum of Company's Rupees twenty thousand, the yearly sum which shall occasion such excess, or such part thereof as shall occasion the same, shall during the time of such excess abate and not be payable.

Mansion house and hereditaments not to be subject to dower.

IX. The said Mansion-house and hereditaments called Mazagon Castle, with their rights, members, and appurtenances, shall not be subject to dower of the said Dowager Lady Jejeebhoy the widow of the first Baronet or of the wife or wives of the present Baronet, or of any of the persons who may successively be entitled thereto under the aforesaid limitations, or to any other right, interest, or estate whatsoever which the said Dowager Lady Jejeebhoy or any such wife or wives may or might have or claim to have in the said Mansion-house and hereditaments under any custom or law of the Parsees, or otherwise howsoever.

X. Subject

X. Subject to the enactments contained in the third and fifth Sections, with respect to the ultimate remainders or reversions, so long as the said title and dignity of Baronet shall endure, and until there shall be a failure of heirs male of the body of the first Baronet to whom the said title and dignity of Baronet might descend pursuant to the limitations of the Patent whereby the said dignity was granted, neither the present Baronet nor any of the heirs male of the body of the first Baronet in whose favor trusts are hereinbefore declared of the dividends, interest, and annual income of the said stocks, funds, and securities, or to whom the said Mansion-house and hereditaments called Mazagon Castle shall stand limited under this Act, shall transfer, dispose of, alien, convey, charge, or encumber the said stocks, funds, and securities, or any part thereof, or the dividends, interest, and annual income thereof, or of any part thereof, or the said Mansion-house or hereditaments or any part thereof, for any greater or larger estate, interest, or time than during his natural life, and for such portion thereof only as he shall continue to use the names of "Jamsetjee Jejeebhoy," nor shall have any power to discontinue or bar the estate of any person or persons for whose benefit trusts are declared by this Act of the dividends, interest, and annual income of the said stocks, funds, and securities, or to or upon whom the said Mansion-house and hereditaments and the rents and profits thereof are by this Act limited to come or devolve in any manner whatsoever either by default or otherwise, or to prevent any such person or persons from succeeding to, holding or enjoying, receiving or taking the same premises according to the true intent of the provisions hereinbefore contained, nor shall the same premises or any of them be held by any Court of law or equity to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he shall continue to use the names of "Jamsetjee Jejeebhoy," and every attempt to make any conveyance, assignment, or assurance contrary to the intention of this Act shall be, and is hereby declared and enacted to be void.

Alienation prohibited during the Baronetcy.

XI. If at any time hereafter the said Offices of Revenue Commissioner for the Northern Division of the Presidency of Bombay, Accountant General, and Sub-Treasurer at Bombay or any or either of them shall be abolished or cease to exist, it shall be lawful to and for the Governor in Council of Bombay for the time being with the consent and approbation of the person for the time being in the actual enjoyment of the said title of Baronet, and using the said names of "Jamsetjee Jejeebhoy"

Power to the Governor in Council of Bombay to appoint persons holding Government Offices, as Trustees under this Act, in the event of the Offices of Revenue Commissioner, Accountant General, and Sub-Treasurer, or any of them being abolished.

jeebhoy" and having attained the age of twenty-one years, and if there shall not be any such person, then without the consent or approbation of any person or persons whomsoever, to nominate and appoint any other persons or person holding or filling any other Public Government Offices or Office at Bombay, to be and act as Trustees or Trustee in the execution of the trusts created by this Act, and upon such nomination and appointment the said Trust Funds and premises shall by force of this Act forthwith vest in the persons or person so nominated and appointed Trustees or Trustee as lastly mentioned, together with the then continuing Trustees or Trustee, but if there shall be no such continuing Trustees or Trustee then in new Trustees only upon and for the trusts and purposes hereby created and declared, and when and so often as any such nomination and appointment shall be made, such new Trustee or Trustees jointly with such continuing Trustees or Trustee, or such new Trustees only, as the case may be, shall be, and they are hereby constituted a Corporation for executing the powers and purposes of this Act.

Trustees indemnity.

XII. The Trustees for the time being acting in execution of the trusts and powers hereby created and reposed in them respectively, and their successors respectively, shall be charged and chargeable for such monies only as he and they respectively shall actually receive by virtue of the trusts, powers, and provisions of this Act, notwithstanding his, their, or any of their giving or signing, or joining in giving or signing any receipt or receipts for the sake of conformity; and he and they respectively shall not be answerable or accountable for any banker or broker, agent or other person with whom or in whose hands any part of the said trust money shall or may be deposited or lodged for safe custody or otherwise in the execution of any of the trusts, powers, and provisions hereinbefore created or contained; and the Trustees for the time being acting in execution of the trusts and powers hereby created and reposed in them respectively, and their successors respectively, shall not be answerable or accountable for the insufficiency or deficiency of any security or securities, stocks or funds in or upon which the said trust money or any part thereof shall be placed out or invested, nor for any other misfortune, loss, or damage which may happen in the execution of the aforesaid trusts, powers, and provisions, or in relation thereto; and it shall be lawful for him and them respectively with or out of the money which shall come to his or their respective hands by virtue of the trusts and provisions of this Act, to retain and re-imburse to himself and themselves respectively all costs, damages, and expenses which he and they respectively shall or may sustain, expend, or disburse in or about the execution of the aforesaid powers, trusts, and provisions, or in relation thereto.

XIII. Saving

XIII. Saving always to the Queen's Most Excellent Majesty, Her heirs and successors, and to all and every other person and persons bodies politic and corporate, and his, her, and their respective heirs, successors, executors, and administrators and every of them (other than and except the said Sir Jamsetjee Jejeebhoy, deceased, his devisees, heirs, and assigns), all such estate, right, title, interest, claim, and demand whatsoever of, in, to, out of, or upon the said Mansion-house and hereditaments called Mazagon Castle, or any part or parts thereof, as they, every or any of them, had, before the passing of this Act, and would, could, or might have had, held, or enjoyed in case this Act had not been passed.

General saving.

ACT No. XXI of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 21st May 1860.)

An Act for the Registration of Literary, Scientific, and Charitable Societies.

Preamble.

WHEREAS it is expedient that provision should be made for improving the legal condition of Societies established for the promotion of Literature, Science, or the Fine Arts, or for the diffusion of useful knowledge, or for Charitable purposes; It is enacted as follows:—

Societies formed by Memorandum of Association and Registration.

I. Any seven or more persons associated for any Literary, Scientific, or Charitable purpose, or for any such purpose as is described in Section XX of this Act, may, by subscribing their names to a Memorandum of Association, and filing the same with the Registrar of Joint-Stock Companies under Act XIX of 1857, form themselves into a Society under this Act.

Memorandum of Association.

II. The Memorandum of Association shall contain the following things, (that is to say)—

The name of the Society.

The objects of the Society.

The names, addresses, and occupations of the Governors, Council, Directors, Committee, or other governing body to whom, by the Rules of the Society, the management of its affairs is entrusted. A copy of the Rules and Regulations of the

the Society, certified to be a correct copy by not less than three of the Members of the governing body, shall be filed with the Memorandum Asso-of ciation.

Registration

III. Upon such Memorandum and certified copy being filed, the Registrar shall certify under his hand that the Society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of fifty Rupees, or such smaller fee as the Governor General of India in Council may from time to time direct; and all fees so paid shall be accounted for to Government.

Fees.

Annual list of managing body to be filed.

IV. Once in every year, on or before the 14th day succeeding the day on which, according to the Rules of the Society, the Annual General Meeting of the Society is held, or if the Rules do not provide for an Annual General Meeting, in the month of January, a list shall be filed with the Registrar of Joint Stock Companies, of the names, addresses, and occupations of the Governors, Council, Directors, Committee, or other governing body then entrusted with the management of the affairs of the Society.

Property of Society how to be vested.

V. The property, moveable and immoveable, belonging to a Society registered under this Act, if not vested in trustees, shall be deemed to be vested, for the time being, in the governing body of such Society, and in all proceedings, Civil and Criminal, may be described as the property of the governing body of such Society by their proper title.

How suits by and against Societies to be brought.

VI. Every Society registered under this Act may sue or be sued in the name of the President, Chairman, or Principal Secretary, or Trustees, as shall be determined by the Rules and Regulations of the Society, and in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion; provided that it shall be competent for any person having a claim or demand against the Society, to sue the President or Chairman, or Principal Secretary or the Trustees thereof, if on application to the governing body some other Officer or person be not nominated to be the defendant.

VII. No

Suits not to abate.

VII. No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person, by or against whom such suit or proceedings shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

How judgment to be enforced against.

VIII. If a judgment shall be recovered against the person or Officer named on behalf of the Society, such judgment shall not be put in force against the property, moveable or immoveble, or against the body of such person or Officer, but against the property of the Society. The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the Society only, and shall require to have the judgment enforced against the property of the Society.

Society may make Bye-law to be enforced.

IX. Whenever by any Bye-law duly made in accordance with the Rules and Regulations of the Society, or, if the Rules do not provide for the making of Bye-laws, by any Bye-law made at a General Meeting of the Members of the Society convened for the purpose, (for the making of which the concurrent votes of three-fifths of the Members present at such Meeting shall be necessary), any pecuniary penalty is imposed for the breach of any Rule or Bye-law of the Society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the Society shall be situate, as the governing body thereof shall deem expedient.

Members liable to be sued as strangers.

X. Any Member who may be in arrear of a subscription which according to the Rules of the Society he is bound to pay, or who shall possess himself of or detain any property of the Society in a manner or for a time contrary to such Rules, or shall injure or destroy any property of the Society, may be sued for such arrear or for the damage accruing from such detention, injury, or destruction of property in the manner hereinbefore provided. But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the Society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the Officer in whose name the suit shall be brought, or from the Society, and in the latter case shall have process against the property of the said Society in the manner above described.

XI. Any

Members guilty of offences punishable as strangers.

XI. Any Member of the Society who shall steal, purloin, or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such Society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the Society may be exposed to loss, shall be subject to the same prosecution, and if convicted, shall be liable to be punished in like manner, as any person not a Member would be subject and liable to in respect of the like offence.

Societies enabled to alter, extend, or abridge their purposes.

XII. Whenever it shall appear to the governing body of any Society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such Society either wholly or partially with any other Society, such governing body may submit the proposition to the Members of the Society in a written or printed report, and may convene a Special Meeting for the consideration thereof according to the Regulations of the Society; but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every Member of the Society ten days previous to the Special Meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the Members delivered in person or by proxy, and confirmed by the votes of three-fifths of the Members present at a second Special Meeting convened by the governing body at an interval of one month after the former Meeting.

Provision for the dissolution of Societies and adjustment of their affairs.

XIII. Any number not less than three-fifths of the Members of any Society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the Society, its claims, and liabilities, according to the Rules of the said Society applicable thereto, if any, and, if not, then as the governing-body shall find expedient, provided that, in the event of any dispute arising among the said governing body or the Members of the Society, the adjustment of its affairs shall be referred to the principal Court of original Civil jurisdiction of the District in which the chief building of the Society is situate; and the Court shall make such order in the matter as it shall deem requisite. Provided that no Society shall be dissolved unless three-fifths of the Members

shall

shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general Meeting convened for the purpose. Provided that whenever the Government is a Member of, or a contributor to, or otherwise interested in any Society registered under this Act, such Society shall not be dissolved without the consent of Government.

Upon a dissolution no Member to receive profit.

XIV. If upon the dissolution of any Society registered under this Act there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the said Society or any of them, but shall be given to some other Society, to be determined by the votes of not less than three-fifths of the Members present personally or by proxy at the time of the dissolution, or in default thereof, by such Court as aforesaid; provided however that this Clause shall not apply to any Society which shall have been founded or established by the contributions of shareholders in the nature of a Joint Stock Company.

Proviso for Joint Stock Companies.

Who is a Member.

XV. For the purposes of this Act a Member of a Society shall be a person who having been admitted therein according to the Rules and Regulations thereof, shall have paid a subscription, or shall have signed the roll or list of Members thereof, and shall not have resigned in accordance with such Rules and Regulations; but in all proceedings under this Act no person shall be entitled to vote or be counted as a Member whose subscription at the time shall have been in arrear for a period exceeding three months.

The governing body defined.

XVI. The governing body of the Society shall be the Governors, Council, Directors, Committee, Trustees, or other body to whom by the Rules and Regulations of the Society the management of its affairs is entrusted.

Registration of Societies formed before this Act.

XVII. Any Company or Society established for a Literary, Scientific, or Charitable purpose and registered under Act XLIII of 1850, or any such Society established and constituted previously to the passing of this Act but not registered under the said Act XLIII of 1850, may at any time hereafter be registered as a Society under this Act; subject to the proviso that no such Company or Society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the

the Members present personally, or by proxy, at some General Meeting convened for that purpose by the governing body. In the case of a Company or Society registered under Act XLIII of 1850, the Directors shall be deemed to be such governing body. In the case of a Society not so registered, if no such body shall have been constituted on the establishment of the Society, it shall be competent for the Members thereof, upon due notice, to create for itself a governing body to act for the Society thenceforth.

Such Societies to file Memorandum &c., with Registrar of Joint-Stock Companies.

XVIII. In order to any such Society as is mentioned in the last preceding Section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint Stock Companies under Act XIX of 1857, a Memorandum showing the name of the Society, the objects of the Society, and the names, addresses, and occupations of the governing body, together with a copy of the Rules and Regulations of the Society certified as provided in Section II, and a copy of the report of the Proceedings of the General Meeting at which the registration was resolved on.

Inspection of documents.

Certified copies.

XIX. Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of one Rupee for each inspection; and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *primâ facie* evidence of the matters therein contained in all legal proceedings whatever.

To what Societies the Act shall apply.

XX. The following Societies may be registered under this Act, Charitable Societies, the Military Orphan Funds or Societies established at the several Presidencies of India, Societies established for the promotion of Science, Literature, or the fine Arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of Libraries or Reading-rooms for general use among the Members or open to the public, or public Museums and Galleries of Paintings and other works of Art, Collections of Natural History, Mechanical and Philosophical Inventions, Instruments, or Designs.

ACT No. XXII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 21st May 1860).

An Act to remove certain tracts on the Eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts.

Preamble.

WHEREAS it is expedient to remove the Hilly and Forest tracts of country situated on the Eastern border of the District of Chittagong from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Offices of that District, under the general Regulations and Acts of the Government; It is enacted as follows:—

Certain tracts removed from the operation of the General Regulations and Acts.

I. The tracts of country described in the Schedule to this Act are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Offices of Revenue constituted by the Regulations of the Bengal Code and the Acts passed by the Governor General of India in Council and the Legislative Council of India, as well as from the system of procedure prescribed for the said Courts and Offices by the Regulations and Acts aforesaid; and no Act hereafter passed by the Legislative Council of India relative to the constitution or procedure of the said Courts and Offices shall be deemed to extend to any part of the said tract, unless the same be specially named therein: provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

Proviso.

II. The

II. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public Revenue and of all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant Governor of Bengal may for the purpose of tribunals of first instance or of reference and appeal appoint, and the Officer or Officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the Lieutenant Governor of Bengal, and be guided by such instructions as the Lieutenant Governor of Bengal may from time to time issue.

Administration of justice and collection of Revenue vested in Officers subject to the control of the Lieutenant Governor of Bengal.

III. It shall be lawful for the Lieutenant Governor of Bengal to direct that an appeal may be heard in any of the matters described in the last preceding Section by the Civil and Sessions Judge of Chittagong or the Commissioner of Revenue for that District or by the Sudder Dewanny and Nizamut Adawlut or by the Board of Revenue, and to declare in what cases the order made by any Officer or Court empowered by the Lieutenant Governor to dispose of any of the matters aforesaid, shall be final.

Appeals.

IV. It shall be lawful to the Lieutenant Governor of Bengal to direct any Officer empowered to administer Criminal jurisdiction in or for the tracts aforesaid, to refer the sentence passed by him in any class of Criminal trials for the confirmation of the Sudder Court; and no sentence of death passed by any person competent under the direction of the Lieutenant Governor to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court. In disposing of any trial referred for disposal under this Section, the Sudder Court shall not call for the Futwah of its Law Officer, and shall pass such order as it may deem just and proper, so as that it shall not convict any person acquitted by the referring Officer, or enhance any sentence pronounced by him.

Reference to the Sudder Court.

V. Any person liable to be imprisoned in any Civil or Criminal Jail or to be transported beyond sea under any order or sentence passed by any Officer or Court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail or transported to any place which the Lieutenant Governor of Bengal may direct.

Place of imprisonment or transportation.

VI. When

VI. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of Revenue for the District of Chittagong to consider and determine on which side of the described boundary the place aforesaid may lie, and the order made by the Commissioner shall be final.

Questions of disputed boundary to be determined by Commissioner of Chittagong.

VII. This Act shall take effect from such date as shall be fixed by the Lieutenant Governor of Bengal, and notification thereof shall be published in the Office of the Commissioner of Revenue and the Courts of the Civil and Sessions Judge and of the Magistrate of Chittagong, and in such other manner as the Lieutenant Governor may direct.

Commencement of Act.

SCHEDULE.

The boundary of the Hilly and Forest tract referred to in the foregoing Act shall be understood generally to run to the eastward of the surveyed area of the villages situated on the eastern frontier of the Chittagong District as surveyed and mapped in the course of the Revenue Survey of that District, and shall be more particularly taken to be indicated as follows:—

As respects Thannah Futtickcherree, all the country lying east of the villages Ramghur, Joozkola, Hapuneah, Fuckeerachung, Kunchunpoor, and Goomareetulla.

" " Thannah Hathezaree, all the country lying East of Mugkatta, Radahmadhebpoor, and other surveyed villages of this Thannah and of a line drawn from the south-eastern boundary to Gogra in Faree Rungunneah.

" " Faree Rungunneah, all the country lying to the east of Gogra, Nichintapoor, Kodala, Puddooa, Dood-Pookereah, and other surveyed villages of this Faree situated on both sides of the Fenny River.

As respects

As respects Thannah Putteah, all the country lying east of the surveyed villages of this Thannah, that is to say lying east of a line drawn from the eastern surveyed boundary of Dood-Pôokereah in Faree Rungunneah down to the eastern surveyed boundary of the village Doobacherree lying north of the River Sunkoo.

" " Thannah Sutkuneah, all the country lying east of Pooranghur, Burdooara, Andar Manik, Rajbarree, and other surveyed villages of this Thannah.

" " Thannah Chuckereah, all the country lying eastward of a line drawn from the village Rajbarree in Thannah Tulkuneah to the surveyed villages Boonoo and Bilcherrie on the Moree River in Thannah Chuckereah, and also all the country lying eastward of the surveyed villages of this Thannah between Bilcherrie and Pagoleebeel.

" " Thannah Ramoo, all the country lying east of a line drawn from Pagoleebeel in Thannah Chuckeriah to Edghur, Gurjamah, and Kucheppeah in Thannah Ramoo.

Also all the country comprised in Thannah Teknaaf and lying south of the mouth of the Rajoo River and south and east of a line drawn from the Rajoo River to the surveyed village Kucheppeah of Thannah Ramoo.

ACT No. XXIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd May 1860.)

An Act to amend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.)

Preamble.

WHEREAS it is expedient to increase the rate of duty levied on spirits manufactured at distilleries worked according to the English method, and otherwise to amend Act XXI of 1856; It is enacted as follows:—

Sections repealed.

I. Section IX Act XXI of 1856, so much of Section VII of the said Act as prescribes that the duty leviable on spirits manufactured at distilleries worked according to the English method for the Imperial gallon of the strength of London proof shall be one Rupee, and so much of Section XV of the said Act as prohibits spirits under bond from being exported or shipped to any Port in India without payment of duty, are hereby repealed.

Rate of duty to be levied on spirits manufactured according to the English method.

On and after the 21st January 1860 it shall be lawful for the Government to levy the duty as aforesaid at the rate of three Rupees, and the duty shall be rateably increased as the strength exceeds London proof.

Removal of spirits from distillery under bond without payment of duty.

II. Spirits may be removed from any licensed distillery for exportation without payment of duty under such rules and restrictions as may be from time to time prescribed by the Board of Revenue, on the person removing them executing a bond with

with one or more sureties to the Government in the form hereunto annexed for the payment of the prescribed duty upon such portion of the said spirits as may not be exported within four months from the date of the bond, or upon such portion as may be exported to any other Port within British India not being a free Port, proof of the landing whereof and of the payment of the duty whereon shall not be furnished to the satisfaction of the Board of Revenue within six months from the date of such bond. Provided however that it shall be lawful for the Collector, with the sanction of the Commissioner, on sufficient cause shown, to extend the period allowed for the exportation of the spirits, or as the case may be for the production of such proof as aforesaid, for a further term of four months. Provided also that spirits exported as aforesaid shall, if imported at any Port in the Territories subject to the Government of India, be charged with the duty payable on account of spirits imported by sea under any Act for the time being in force.

Imprisonment in default of payment of fine.

III. When any person is sentenced to pay any fine or forfeiture under the said Act, such person in default of payment of the same may be imprisoned by order of the Magistrate for any term not exceeding two months when the amount of the fine or forfeiture shall not exceed fifty Rupees, or for any term not exceeding four months when the amount of the fine or forfeiture shall not exceed two hundred Rupees, or for any term not exceeding six months when the amount of the fine or forfeiture shall exceed two hundred Rupees: but in any case the imprisonment shall determine upon the payment of the fine or forfeiture adjudged.

Indemnity to Collectors, &c.

IV. Every Collector or other Officer is hereby indemnified for any thing done on and after the said 21st of January 1860 in collecting or enforcing the duty leviable under the 1st Section of this Act, or by virtue of any order of Government heretofore made authorizing the levy of any such duty, or in otherwise carrying out this Act; and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

Construction of Act.

V. This Act and Act XXI of 1856 as hereby amended shall be read as one Act.

FORM

ACT No. XXIII OF 1860.

FORM OF BOND UNDER SECTION II.

Know all men by these presents, That we are jointly and severally held and firmly bound unto the Secretary of State for India in the sum of Company's Rupees to be paid to the said Secretary of State for India; for which payment well and truly to be made, we jointly and severally bind ourselves and each of us binds himself and each and every one of our respective heirs, administrators, and representatives by these presents.

Sealed with our seals.

Dated this *day of*

Whereas the above bounden are justly and truly indebted to the Secretary of State for India in the sum of Company's Rupees being the amount of duty payable tothe Secretary of State for India at the rate of three Rupees per imperial gallon London proof for gallons of manufactured at which the said ha been allowed to remove thence for exportation by sea without having paid the amount of such duty. Now the condition of this obligation is such that, if the above-bounden his or their heirs, executors, administrators, or representatives or some or one of them, do and shall at the expiration of four calendar months from the date of this obligation well and truly pay or cause to be paid to the said Secretary of State for India duty at the rate of three Rupees per imperial gallon of proof spirit for all or any portion of the above-mentioned which shall not have been exported by sea or which shall have been passed for local consumption, or if the above bounden his or their heirs, executors, administrators, or representatives or one of them do and shall within four months from the date of this obligation export the said by sea to some Port in British India (not being a free Port) and within six months from the date of this obligation afford proof to the satisfaction of the Board of Revenue that the same has

has been landed at such Port (not being a free Port) and that duty thereon according to the provisions of this Act has at such Port been paid thereon, then this obligation shall be void; otherwise it shall remain in full force and virtue.

Sealed and delivered
in the presence of

ACT No. XXIV OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd May 1860.)

An Act for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland.

Preamble.

WHEREAS by an Act of Parliament passed in the 58th year of the reign of King George the 3rd, entitled "An Act to remove doubts as to the validity of certain Marriages had and solemnized within the British Territories in India," it was declared and enacted (amongst other things) that from and after the 31st day of December then next ensuing all marriages between persons, both or one of such persons being members or member of, or holding communion with the Church of Scotland, and making a declaration to the effect thereinafter mentioned, which marriages should be had and solemnized within the British Territories in India by ordained Ministers of the Church of Scotland as by law established, and appointed by the United Company of Merchants of England trading to the East Indies to officiate as Chaplains within the said territories, should be, and should be adjudged, esteemed, and taken to be of the same, and no other force and effect, as if such marriages were had and solemnized by Clergymen of the Church of England, according to the rites and ceremonies of the Church of England: and whereas it is expedient that so much of the said Act of Parliament as requires ordained Ministers of the Church of Scotland celebrating such marriages to be also persons appointed to officiate as Chaplains within the said Territories, should cease to have effect; It is enacted as follows:—

Part of 58 Geo. III, c. 84 repealed

I. So much of the said Act of Parliament as requires that the ordained Ministers of the Church of Scotland as by law established therein referred to should be persons appointed to officiate as Chaplains within the said Territories, is hereby repealed.

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ACT No. XXV of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd May 1860).

An Act for the levy of Port-dues in the Port of Bassein.

Preamble.

WHEREAS it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in the Port of Bassein in accordance with the provisions of Act XXII of 1855; It is enacted as follows:—

Port-due chargeable on sea-going vessels of ten tons and upwards entering the Port.

I. A Port-due at a rate not exceeding the rate of four annas per every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards which shall enter the said Port.

Rate of Port-due on vessels compelled by stress of weather to enter Port.

II. When any vessel enters the said Port, being driven in by stress of weather, or in consequence of having sustained any damage or for any other reason, but does not discharge or take in any cargo or passenger therein (with the exception of such un-shipment and re-shipment as may be necessary for the purpose of repair), the Port-due chargeable in respect of such vessel shall be at a rate equal to one half the rate chargeable in respect of other vessels.

No Port-due on vessels compelled by stress of weather to re-enter Port.

III. Provided that, when any vessel having left the said Port is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

IV. No

No vessel to pay the Port-due oftener than once in sixty days.

IV. No vessel shall be required to pay the Port-due chargeable under this Act oftener than once in sixty days.

Commencement of Act.

V. This Act shall commence and have effect from and after the 1st day of August 1860; and the local Government shall on or before that date, pursuant to Section XLII Act XXII of 1855, declare, by notification to be published in the Calcutta Gazette, the rates at which Port-dues shall be levied in the said Port subject to the provisions of and within the limits prescribed by this Act; and from and after the said date no Port-due shall be levied at the said Port except under the authority of Act XXII of 1855 and of this Act.

Rates of Port-dues to be published.

No Port-due to be levied except under Act

Act to be read as part of Act XXII of 1855.

VI. This Act shall be read with and taken as a part of Act XXII of 1855.

ACT No. XXVI of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 31st May 1860.)

An Act to amend Act VIII of 1855 (relating to the office and duties of Administrator General.)

Preamble.

WHEREAS it is expedient to amend Act VIII of 1855, relating to the office and duties of Administrator General; It is enacted as follows:—

Administrator General in certain cases to secure and distribute the estate and effects of Soldiers.

I. The Administrator General shall, when duly authorized or required so to do by the Military Secretary to Government, secure and distribute the assets of the estate and effects of any Officer, Soldier, or other person subject to any Articles of War, in all cases in which such estate and effects do not exceed on the whole five hundred Rupees, charging the estate with a commission of three per centum only. Provided always that it shall not be necessary for the Administrator General to take out letters of administration in cases referred to in this Section.

Proviso.

Grant of certificate to creditors.

II. If in cases falling within Section XLIII of Act VIII of 1855, no person claiming to be entitled to a principal share of the effects of the deceased shall within three months obtain a certificate from the Administrator General under the said Section of the said Act, or letters of administration to the estate and effects of the deceased, the Administrator General may administer the estate without letters of administration in the same

same manner as if such letters of administration had been granted to him, and if he shall neglect or refuse to take upon himself the administration of the estate and effects, he shall upon the application of a creditor and upon being satisfied of his title, grant a certificate in the same manner as if such creditor were entitled to a principal share of the effects of the deceased, and such certificate shall have the same effect as a certificate granted under the provisions of the said Section of the said Act, and shall be subject to all the provisions of the said Act which are applicable to such certificate. Provided that the Administrator General may, before granting such certificate, if he think fit, require the creditor to give reasonable security for the due administration of the estate and effects of the deceased.

Proviso.

III. Whenever any person holding the Office of Administrator General shall obtain leave of absence, it shall be lawful for the Government to appoint some person to officiate as Administrator General, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Administrator General by any law now in force or that may hereafter be enacted, and he shall be deemed to be Administrator General for the time being under Act VIII of 1855, and shall be liable to give security under Section VII of the said Act in like manner as if he had been appointed Administrator General.

Appointment of Officiating Administrator General.

ACT No. XXVII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 25th June, 1860.)

An Act for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons.

Preamble.

WHEREAS it is expedient to consolidate and amend certain Acts now in force which provide greater security for persons paying to the representatives of deceased Hindoos, Mahomedans, and others not usually designated as British subjects, debts which are payable in respect of the estates of such deceased persons, and which facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same; It is enacted as follows:—

Acts repealed.

I. Act XX of 1841 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*): so much of Act VIII of 1842 as relates to the said Act XX of 1841: Act X of 1851 (*to amend Act XX of* 1841 *for the administration of personal estate of deceased persons*): and Act VIII of 1854 (*to explain and amend Act X of* 1851 *and Act XX of* 1841) are hereby repealed; except as to certificates granted and acts done under the authority of the said laws before the passing of this Act.

No debt recoverable without a certificate.

II. No debtor of any deceased person shall be compelled in any Court to pay his debt to any person claiming to be entitled to the effects of any deceased person or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned or of a probate or letters of administration, unless the Court shall be of opinion that

that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

Certificate how to be obtained.

III. The District Court within the jurisdiction of which the deceased shall have ordinarily resided at the time of his death, or if at that time he had no fixed place of residence then within the jurisdiction of which any part of the property of the deceased may be found, shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The Court shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day or as soon after as may be convenient, shall determine the right to the certificate and grant the same accordingly.

Effect of certificate.

IV. The certificate of the District Court shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favor the certificate has been granted.

Court may take security from grantee of certificate.

V. The Court may take such security as it shall think necessary from any person to whom it shall grant a certificate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

Sudder Court may suspend certificate granted by District Court, or direct further proceedings.

VI. The granting of such certificate may be suspended by an appeal to the Sudder Court, which Court may declare the party to whom the certificate should be granted, or may direct such further proceedings for the investigation of the title as it shall think fit. The Court may also, upon petition, after a certificate shall have been granted by the District Court, grant a fresh certificate in supersession of the certificate granted by the District Court. Such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted, without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.

Sudder Court may grant fresh certificate in supersession of the certificate granted by the District Court.

VII. Every

VII. Every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

Local extent of power given by certificate.

VIII. If the estate of the deceased shall include any Government Securities or Bank-shares, or any shares in any public Company, the certificate may empower the person certified as aforesaid to receive interest or dividends thereon, or on any of them, or to negotiate the same or any of them: in such case the certificate shall describe the securities and shares in respect of which such powers are given, and such powers shall not be vested by the certificate except by express words.

Government Securities, Bank-Shares, and shares in Public Companies.

IX. In the case of disputes among persons claiming to be jointly entitled to be proprietors of any Government Securities as the representatives of any deceased person, the District Court, whenever sufficient cause shall be shown, and on the request of any such claimant, may, so far as concerns the said securities, grant a certificate under this Act to such person as shall be from time to time appointed by the local Government to act as trustee under this Section, and shall specify in such certificate the several persons appearing to him to be such proprietors and their several shares; and the said trustee by virtue of such certificate shall be entitled to receive and give discharges for the interest accruing due on such securities, and shall account for and pay the sum to the several persons specified in the certificate to be thereunto entitled, according to the shares therein set forth, and shall be empowered to act in all other respects concerning the said securities as agent for such persons, and shall be entitled to receive such commission, not exceeding one per centum, on the sums received and paid by him, as the local Government shall think fit. Provided nevertheless that the right of any other person to recover the whole or any part of the monies so paid by regular suit against all or any of the persons to whom the same have been paid, shall not be affected by this Act.

Appointment of Trustee in case of disputed succession.

Proviso.

X. If any such disputes among persons claiming to be proprietors of Government Securities are not ended within two years from the date of the certificate granted under the last preceding Section, the said trustee may apportion the principal sum of the

Appropriation if securities be not settled within two years.

of the said securities rateably among the parties appearing from the certificate to be proprietors thereof, and may apply for and receive new securities from the proper Officer appointed to issue the same in the respective names of the several parties certified to be entitled thereto; provided that such new securities shall be issued only according to the rules in use for the regulation and issue of such Government Securities, and the receipt of the said trustee for such new securities, by endorsement on the old securities or otherwise, shall be a legal discharge to the Government against the disputing parties claiming to be entitled to the several amounts for which such securities shall be issued. Provided always that, if the amount of any Government Securities in dispute or any part thereof shall not be sufficient to admit of their rateable division according to the rules applicable to the issue of such securities, the said trustee may sell and dispose of the disputed securities, or such part as shall be necessary under this provision, and apportion the proceeds thereof among the parties entitled to receive the same.

Proviso.

XI. Every certificate granted to the trustee appointed under Section IX, shall be taken to supersede and annul any previous certificate so far as such previous certificate relates to the said Government Securities.

Effect of certificate granted by trustee.

XII. When a certificate shall have been granted, in cases in which such certificate would be valid but for the previous grant of a certificate, all payments made to the person holding the latter certificate in ignorance of the grant of the previous certificate, shall be held good against claims under such previous certificate.

Payments under certificate void by reason of previous certificate.

XIII. With regard to the property of a deceased Hindoo, Mahomedan, or other person not usually designated by the term "British subject," no certificate in respect of any such property shall be valid if made after a probate or letters of administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the Court granting the probate or letters of administration.

Certificate in respect of property of deceased Hindoos, Mahomedans, &c., void after grant of probate or letters.

XIV. Where

Certain payments under certificate, granted after grant of probate or letters, protected.

XIV. Where a certificate shall have been granted, in cases in which such certificate would be valid but for a probate or letters of administration previously granted, all payments made to the person holding the certificate in ignorance of the previous granting of the probate or letters of administration, shall be held good against claims under the probate or letters of administration so previously granted.

Probate or letters void after grant of certificate.

XV. No probate or letters of administration shall be valid for the purpose of the recovery of debts or for the security of debtors, after a certificate granted in respect of the same property for which such probate or letters of administration shall have been granted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the Court granting such certificate.

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Certain payments under probate or letters, granted after grant of certificate, protected.

XVI. Where probate or letters of administration may have been granted in cases in which such probate or letters of administration would be valid but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate, shall be held good against claims under such previous certificate.

Curators prohibited from exercising certain powers.

XVII. Curators appointed under Act XIX of 1841 who may be invested with certain powers which are conferred on persons obtaining certificates under this Act, shall not exercise any powers which, but for that Act, would lawfully belong to persons obtaining certificates, or to executors or administrators where a certificate, probate, or letters of administration has been actually obtained; but all persons who may have paid debts or rents to a curator authorized by a Court to receive the same, shall be indemnified, and the curator shall be responsible for the payment of the same to the person who has obtained a certificate, the executor or administrator as the case may be.

Effect of probates and letters granted to representatives of British subjects."

XVIII. All probates and letters of administration granted by any Supreme Court of Judicature in cases in which any assets belonging to deceased persons were at the time of their deaths within the local jurisdiction of the Court granting the probate or letters of administration, shall have the effect of probate and letters

of

of administration granted in respect of the property of British subjects, but for the purpose of the recovery of debts only and the security of debtors paying the same, except so far as is in this Act provided.

Effect of certificates granted by British Representatives in Foreign States.

XIX. A certificate of administration granted by the British Representative accredited to any Foreign Prince or State, shall, as regards the residents within the Territories of such Prince or State, have the same effect in respect to Government Securities as a certificate granted to a Native subject of Her Majesty under the provisions hereinbefore contained.

Local extent of power given by such certificates.

XX. Every certificate of administration granted under the last preceding Section shall, as regards the Government Securities, give authority to the person to whom the same shall be granted throughout the British Territories in India, and have the same effect throughout the said territories as a certificate granted under Section VII of this Act has within the Presidency within which the same is granted.

Extension of certificate.

XXI. Any Court or Officer authorized to grant a certificate may from time to time extend the same to any Government Security or Bank share not originally specified therein, and every such extension shall have the same effect as if the Government Security or Bank share to which the certificate shall be extended had been originally specified therein.

Security upon extension.

XXII. Upon the extension of a certificate, security may be required in the same manner as upon the original grant of a certificate.

Act not to apply to British subjects.

XXIII. Nothing in this Act contained shall be held to extend to the property of any person usually designated as a British subject.

Intrepretation.

XXIV. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Words

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include females.

"District Court."

The words "District Court" shall mean the principal Civil Court of original jurisdiction of a Zillah or District.

"Sudder Court."

The words "Sudder Court" shall be deemed to include the highest Civil Court of Appeal in any part of the British Territories in India not subject to the control and superintendence of a Sudder Court..

ACT No. XXVIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 29th June 1860.)

An Act for the establishment and maintenance of Boundary Marks, and for facilitating the settlement of Boundary Disputes in the Presidency of Fort Saint George.

Preamble.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue in the Presidency of Fort Saint George, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields, holdings, estates, and villages, and for facilitating the settlement of Boundary disputes and claims; It is enacted as follows:—

Repeal of Act XX of 1855.

I. Act XX of 1855 is hereby repealed.

Collector &c. to fix boundaries of fields &c., and to require owners or occupants to clear boundary line and form and maintain Boundary marks, &c.

II. It shall be lawful within the said Presidency for a Collector of Land Revenue, or person exercising the powers of Collector, or for any Revenue Settlement Officer, and also for any other Officer appointed by the Government for the purpose, whenever he may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes (or for conducting and perpetuating a survey or a settlement of land revenue), to fix the boundaries of fields, holdings, estates, or villages, and to require the owner or occupant of the field, holding, or estate, or the headman (by whatever name designated) of the village, to clear the boundary line where overgrown with jungle, and also to set up, form, and maintain Boundary marks, of such materials, and in such number and manner, as may

 be

be determined by such Officer under the direction of the Board of Revenue, or of the Director of Revenue Settlement, as the case may be, to be sufficient to distinguish the limits of the field, holding, estate, or village.

Collector to call upon owners or occupants to register and produce title deeds before survey.

III. It shall further be lawful for such Officer aforesaid to call upon the owners or occupants of lands about to be surveyed, and also on all persons claiming to have any rights or interests in such lands, to register the rights and titles exercised or claimed by them in the lands, and to produce before him for inspection and registry all grants, title deeds, and other documents connected with their claims.

Penalty for owner &c, refusing or failing to attend, and for any person making false statement, &c.

IV. Any occupant or owner of land or other person whose attendance may be considered necessary for the purposes of this Act, who, on being summoned by such Officer aforesaid, shall refuse or fail to attend at the demarcation, measurement, or assessment of his field, holding, or estate, or for the determining and marking the village boundary, or for the investigation and registry of his rights and claims in relation to such holding, estate, or property, or for the investigation and determination of any boundary—and any person who shall wilfully make any false statement, or shall wilfully refuse or neglect, when called upon, to give any information in his power with respect to a boundary under enquiry—shall be liable, by order of such Officer aforesaid, to a fine not exceeding fifty Rupees, to be levied by warrant under the hand of the Officer imposing it, in the same manner as a fine imposed by a Magistrate for a misdemeanor, and with a like alternative of imprisonment in default, as defined in Act II of 1839.

Service of notices on owners and occupants.

V. When a survey is in progress notices shall be served on the persons owning or occupying the fields, holdings, estates, or villages concerned, requiring them to clear the boundaries, and to set up, form, or repair, or to render such aid and labor as may be necessary to form or repair under the supervision of the Government Officers, such boundary marks as may be required, within a reasonable time; and in the event of such persons not being found in their village, the notice shall be posted in a conspicuous place in the village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the said notice.

VI. In

In default of compliance, Officer may order erection or repair of necessary marks at the expense of the owners or occupants.

VI. In default of the owners or occupants of the fieelds, holdings, estates, or villages complying with such requisition, the said Officer may give directions for the erection and repair of the necessary Boundary marks, the cost of which shall be equitably apportioned on the fields, holdings, estates, or villages which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, holdings, estates, or villages, in such manner as such Officer aforesaid may consider just, and shall be levied in the same manner as arrears of land revenue.

Procedure when owners or occupants require erection of boundary marks at their expense.

VII. Whenever such owners or occupants of any fields, villages, holdings, or estates, may generally signify their wish for the Boundary marks to be erected on the part of Government and the cost to be charged to them, or where in arrangements for the demarcation of the general survey of a village, estate, talook, or district, it may appear to such Officer aforesaid to be desirable to undertake the demarcation of lands under a uniform system by the Officers of Government, the Officer aforesaid may proceed, without the previous notice prescribed in Section V, to the clearing of boundaries, and the erection and repair of the Boundary marks, and may recover the cost of the same, if unpaid, in the manner described in Section VI.

In the case of unoccupied fields &c., cost to be charged to Government.

VIII. In the case of unoccupied fields, and of extensive hills and jungles in Government lands, the cost of marks for such fields, hills, and jungles, shall be charged to Government.

Penalty for erasing. &c, marks—a portion of which to be paid to informer.

IX. Any person convicted before a Magistrate or person exercising Magisterial powers of wilfully and without lawful excuse erasing, altering, removing, or injuring any Boundary marks whatsoever, whether established under this Act or otherwise existing, or any survey or other marks, or any marks set up for the purpose of the investigation or adjudication of disputes by an Officer of Government or any person acting under his orders, shall be liable to a fine not exceeding fifty Rupees for each mark so erased, removed, or injured, of which fine a portion not exceeding one-half may be awarded to the informer, and the remainder shall be chargeable with the cost of restoring the mark; the fine to be levied in the mode prescribed above in Section IV. Provided always that a Magisterial Officer shall have power to impose a fine under this Clause only to the amount to which he is competent to fine in

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misdemeanors

misdemeanors under his general powers. Whenever it may not be possible to detect the person who erased, altered, removed, or injured such boundary or survey marks, the Officer as aforesaid may give directions for the restoration or repair of the marks, and may order the cost thereof to be charged to the owners or occupants of the adjacent lands in such shares as may appear to him proper, or apportioned among the Ryots of the village in proportion to their land assessment, as he may consider just and equitable, the same to be levied in the manner prescribed above in Section VI.

Costs how to be recovered when offender is not known or unable to pay the fine.

X. If the parties interested in boundaries under dispute are desirous that the matter shall be referred to the final decision of one or more arbitrators, they may apply in writing to the Settlement or other Officer aforesaid either in person or by their agents especially authorized on their behalf, and the Settlement or other Officer aforesaid shall proceed to dispose of the case as hereafter provided.

Application for reference to arbitration.

XI. The arbitrator or arbitrators shall be nominated by the parties in such manner as may be agreed upon between them. If the parties cannot agree with respect to the nomination of the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, and the parties are desirous that the nomination shall be made by the Settlement or other Officer aforesaid, such Officer shall appoint the arbitrator or arbitrators.

Nomination and appointment of arbitrators.

XII. Where an equal number of arbitrators shall be appointed on each side, they shall collectively appoint another arbitrator to act with them, or in the event of their not agreeing or failing to appoint such further arbitrator, he shall be appointed by the Settlement or other Officer aforesaid—and in all matters the majority shall rule the decision.

Majority of arbitrators to rule the decision.

XIII. The Settlement or other Officer aforesaid shall, by an order under his signature, refer to the arbitrator or arbitrators the matters in dispute which he or they may be required to determine, and shall fix such time as he may think reasonable for the delivery of the award, the time so fixed being specified in the order.

Order of reference.

XIV. When

Arbitrators to be furnished with information.

XIV. When a reference is made to arbitration by an order of the Settlement or other Officer, such Officer shall furnish the arbitrators, or so far as may be in his power procure for them, any information which his records or those of any public department may afford connected with the subject of enquiry. He shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce before them without such process, and require the person so summoned to bring and produce before them all such books, papers, deeds, writings, maps, and plans as they shall require. Persons so summoned shall be subject to all the provisions of the laws in force regarding persons summoned as witnesses before the Collector when acting judicially.

Summoning witnesses.

Extension of time for making award.

XV. When the arbitrator or arbitrators shall not have been able to complete the award within the period specified in the order from the want of the necessary evidence or information or other good and sufficient cause, the Settlement or other Officer aforesaid may enlarge the period for the delivery of the award, if he shall think proper. Provided that an award shall not be liable to be set aside only by reason of its not having been completed within the period allowed by the Settlement or such other Officer aforesaid, unless the award shall have been made after the issue of an order by the Settlement or other Officer aforesaid superseding the arbitration and revoking the institution of the enquiry.

In case of death, incapacity, or refusal to act as arbitrators, others to be appointed instead.

XVI. If, in any case of reference to arbitration by an order of the Settlement or other Officer, the arbitrator or arbitrators shall die, or refuse, or become incapable to act, it shall be lawful for the Settlement or other Officer to appoint a new arbitrator or arbitrators in the place of the person or persons so dying, or refusing or becoming incapable to act.

Award how to be submitted to Settlement Officer.

XVII. When an award in any matter referred to arbitration shall be made, it shall be submitted to the Settlement or other Officer aforesaid under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and other records, or authenticated copies thereof relating to the matter.

XVIII. The Settlement or other Officer may, on the application of either party, modify or correct an award where it appears that a part of the award is upon matters not referred to the arbitrators, provided such part can be separated from the other part and does not affect the decision on the matter referred; or where the award is imperfect in form or contains any obvious error which can be amended without affecting such decision.

Settlement Officer may on application modify or correct an award in certain cases.

XIX. In any of the following cases the Settlement or other Officer aforesaid shall have power to remit the award or any of the matters referred to arbitration, to the re-consideration of the same arbitrator or arbitrators upon such terms as he may think proper: (that is to say)—

In what cases Settlement Officer may remit the award or any of the matters referred to arbitration, for re-consideration.

If the award has left undetermined some of the matters referred to arbitration, or if it determine matters not referred to arbitration;

If the award is so indefinite as to be incapable of execution;

If an objection to the legality of the award is apparent upon the face of the award.

XX. No award shall be liable to be set aside except on the ground of corruption or misconduct of the arbitrators. Any application to set aside an award shall be made within ten days after the same has been submitted to the Settlement or other Officer aforesad.

Award not to be set aside except on ground of corruption.

Application to set aside the award.

XXI. If the Settlement or other Officer aforesaid shall not see cause to remit the award or any of the matters referred to arbitration for re-consideration in the manner aforesaid, and if no application shall have been made to set aside the award, or if the Settlement or other Officer as aforesaid shall have refused such application, the Settlement or other Officer aforesaid shall proceed to pass a decision according to the award, and after duly furnishing the parties with a copy thereof, he shall proceed to mark out the boundary in accordance therewith subject to the provisions contained in this Act. In every case the decision given according to the award shall be final

Boundary to be marked out according to award.

XXII. Where

Reference to arbitration of claims and disputes regarding occupancy by Ryots of Zemindary lands, &c.

XXII. Where the claims and disputes relate to the occupancy of Ryots of Zemindary and Proprietary lands, the consent in writing of the Settlement or other Officer aforesaid on behalf of Government and of the Zemindars or Proprietors interested, shall be necessary for referring the disposal of such claims and disputes to arbitration, and the question of the disputed extent of such Zemindary estate shall be determined as between the Zemindar or Proprietor on one part, and the Government on the other, the Government being represented by the Collector, Settlement or other Officer aforesaid.

Settlement Officer not incompetent to act as arbitrator.

XXIII. The Settlement or other Officer aforesaid shall not be considered incompetent by virtue of his office to undertake the duty of an arbitrator in cases in which the conflicting parties may be desirous to nominate him as such.

A certified copy of every decision passed in accordance with the award, to be filed in the Civil Court.

XXIV. A certified copy of every decision passed in accordance with the award of arbitrators under this Act by such Officer aforesaid shall be forwarded by him to the Civil Court and be filed on its records.

Procedure when parties do not agree to refer their dispute to arbitration, &c.

XXV. Where the conflicting parties may not signify their agreement to refer the dispute to the final decision of arbitrators, or where any of the parties interested or concerned shall after due notice fail to attend for the investigation of the same, the Settlement or other Officer aforesaid shall proceed to investigate the claims, and in the case of any party failing to attend as aforesaid, shall make an *ex parte* investigation and after examination of the witnesses and documents shall record his decision, and the grounds for arriving at it, and after duly informing the parties of the same, he shall proceed to mark out the requisite boundaries in accordance with the decision, which, subject to the revision of the authority to whom the said Officer is immediately subordinate, shall be considered as the determination of all claims and disputes until set aside by a formal decree of a Civil Court. An appeal shall lie to the Civil Courts from this decision by regular suit, provided it be preferred within two calendar months from the passing of the same. Provided also that it shall be lawful for the Governor in Council, on just and reasonable cause for the same being shown, to extend the period for such appeal within such further period as may seem proper, and an order or endorsement

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endorsement under the signature of one of the Secretaries to Government shall be sufficient authority for the Civil Court to entertain such appeal beyond the limit above specified.

Proceedings of Officers imposing charges or fines.

XXVI. The proceedings of Officers imposing charges or fines other than Magisterial, under Sections IV, VI, VII, and IX of this Act, shall be recorded in writing, and shall be subject to revision by the authorities to whom such Officers shall be immediately subordinate. An appeal shall also lie to the Board of Revenue or to the Director of Revenue Settlement, according to the authority to which the Officer imposing the charge or fine may be subordinate.

Appropriation of fines.

XXVII. All fines levied under this Act shall be carried to the credit of Government, except when otherwise provided.

Officers empowered to enter and examine private lands.

XXVIII. It shall be lawful for all Officers of Survey and Assessment, Revenue Officers, or other persons appointed by the Government for the purpose of investigating, settling, or marking boundaries of fields, holdings, villages, and estates, or measuring and assessing the same, and for all persons acting in aid and under orders of such Officers, whenever it may be necessary in the performance of their duty—to enter, examine, or measure, without let or hindrance, all lands whatever, whether such lands be the property of Government or of private Companies or individuals; and such Officers aforesaid, as well as workmen or other persons acting in aid of and under their orders, are hereby indemnified for what they or any of them shall do under the provisions of this Act.

Punishment for obstructing Officers, &c.

XXIX. If any person shall obstruct, molest, or in any way interfere with any public servant conducting the demarcation, measurement, or assessment of lands, or performing other duties provided for in this Act, such person shall be liable, on conviction before a Magistrate or person exercising Magisterial powers, to a fine not exceeding fifty Rupees, or in default, imprisonment not exceeding two months for the first offence, and for a repeated offence, to a fine not exceeding one hundred and fifty Rupees, or imprisonment not exceeding six months. Provided however that a Magisterial Officer shall have power to punish under this Clause, only to the extent to which he is empowered to punish in cases of ordinary misdemeanor, under his general powers.

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XXX. It

Government may invest any subordinate in the Revenue or Survey Department with powers under this Act.

XXX. It shall be lawful for the Governor in Council to invest any of the Subordinates of the ordinary Revenue establishments, or of the Settlement or Survey Departments, with any portion of the powers conferred under this Act.

Powers of Deputy Directors of Revenue Settlement.

XXXI. Any Deputy Director of Revenue Settlement, being a Sub-Collector and Joint Magistrate, shall be competent to exercise within the District within which he shall be employed, any of the powers ordinarily exercised by a Sub-Collector and Joint Magistrate within his charge: provided however that such Deputy Director shall only have cognizance of cases and offences connected with the duties of the Survey or the Settlement Department. In cases coming under Regulation IX. 1822 of the Madras Code tried before a Deputy Director under this Section, the power of control and revision provided by Clause 3 Section III Regulation VII. 1828 of the same Code shall be exercised by the Director of Revenue Settlement.

Servants of the Survey and Settlement Departments subject to Regulations IX. 1822 and VII. 1828.

XXXII. All Servants of the Survey and Settlement Departments shall be subject to the provisions of the said Regulations IX. 1822 and VII. 1828 of the Madras Code, and those Regulations shall apply to the Survey and Settlement Departments in the same way as they apply to the ordinary Revenue Department.

Two preceding Sections to apply to all pending cases.

XXXIII. The provisions of the two preceding Sections shall apply to all cases not finally decided at the time of the passing of this Act.

ACT No. XXIX of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 30th June 1860.)

An Act to continue in force Act XXVIII of 1857

Preamble

WHEREAS it is expedient that Act XXVIII of 1857 *(relating to the importation, manufacture, and sale of Arms and Ammunition and for regulating the right to keep or use the same)* should continue in force for a further period of one month; It is enacted as follows:—

Act XXVIII of 1857 continued for one month

I. Act XXVIII of 1857 shall continue in force for a further period of one Calendar month from the 30th June 1860

ACT No. XXX of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th July 1860.)

An Act to remove the Pergunnahs of Koonch and Calpee in Zillah Jaloun from the operation of the general Regulations.

Preamble.

WHEREAS the Zillah of Jaloun, with the exception of the Pergunnahs of Koonch and Calpee, has never been brought under the operation of the general Regulations; and whereas it is expedient that those Pergunnahs should, for the sake of uniformity and public convenience, be administered on the same system as prevails in the rest of the Zillah; It is enacted as follows:—

Koonch and Calpee removed from the operation of the general Regulations.

I. Regulation VIII. 1805 of the Bengal Code *(for extending to the conquered Provinces situated within the Dooab, and on the right bank of the river Jumna, and to the Territory ceded to the Honorable the English East India Company in Bundelkund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations)*, in so far as it relates to the Pergunnahs of Koonch and Calpee in the Zillah of Jaloun, is hereby repealed, and the said Pergunnahs shall be subject to the same Laws as are now or may hereafter be in force in the said Zillah.

Suits and proceedings pending at the passing of the Act.

II. All suits and proceedings which, at the time of the passing of this Act, shall be pending in any Court or before any Officer in the said Pergunnahs, shall be heard and determined in the same manner as if the said Pergunnahs had never been brought under the operation of the general Regulations.

III. Any

III. Any suit which, before the passing of this Act, had been de[illegible] and which hath been or shall be remanded b[illegible] pellate Court, shall be tried before the Court [illegible] the time being, would be competent to try suc[illegible] f instituted after the passing of this Act.

Suits determined before the passing of this Act, but which may be remanded by an Appellate Court.

IV. All appeals or proceedings now pending in the Court of S[illegible]ier Dewanny Adawlut or in the Court of Nizamut Adawlut or before the Sudder Board of Revenue for the North-Western Provinces, shall be determined by such Court or Board in the same manner as if this Act had not been passed ; and all applications for execution of decrees or orders which, but for the passing of this Act, would have been made to any Court or Officer existing at the period abovementioned, shall be made to the Court or Officer that would have had jurisdiction in respect of the matter in dispute, had the suit or proceeding been instituted after the passing of this Act.

Appeals or proceedings pending before the Sudder Court or Sudder Board.

Applications for execution of decrees or orders in pending suits or proceedings.

V. All appeals from decrees or orders passed before the passing of this Act shall be received, heard, and determined by the Courts or Officers who would have had jurisdiction over such appeals, had the decrees or orders to which they relate been passed after the passing of this Act.

New appeals from decrees or orders passed before the passing of this Act.

ACT No. XXXI of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 17th July 1860.)

An Act relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.

Preamble.

WHEREAS it is expedient to regulate the manufacture, importation, and sale of Arms and Ammunition and the right to keep and use the same, and also to give power of disarming Districts and places in certain cases ; It is enacted as follows :—

Act XXVIII of 1857 continued in force till 1st October 1860.

I. Act XXVIII of 1857 shall continue in force until the 1st day of October 1860.

Manufacture of cannon &c. without authority of Government prohibited.

II. No person in India, unless authorized by Government, shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, and whoever not being so authorized shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, shall be liable to a fine not exceeding one thousand Rupees, and to imprisonment with or without hard labor for a period not exceeding three years.

Penalty.

Penalty for possession of cannon &c. without permission.

III. If any person in India shall, without the permission of the local Government, have in his possession any cannon, howitzer, or mortar, except in the course of his duty as a public Officer of Government, he shall be liable to a f

exceeding five hundred Rupees for every such cannon, howitzer, or mortar, and in default of payment thereof may be imprisoned with or without hard labor for a period not exceeding one year. The provisions of this Section shall not extend to any cannon, howitzer, or mortar, forming part of the ordinary armament of any ship or vessel.

Exception.

IV. Whenever the local Government shall permit any person to possess any cannon, howitzer, or mortar, such permission shall be in writing and signed by the Secretary to the Government, and shall specify the number of cannon, howitzers, or mortars permitted to be possessed by such person. A fee of fifty Rupees shall be paid on the delivery of such written permission.

Permission to possess cannon, &c., to be in writing, and to specify number permitted to be possessed.

V. No person shall manufacture, repair, or sell, or keep or expose for sale, any arms of the description hereinafter mentioned, or shall manufacture or sell, or keep or expose for sale, percussion caps, sulphur, gunpowder, or other ammunition, except under a license to manufacture or deal in arms or percussion caps, sulphur, gunpowder, or other ammunition, as the case may be, and any person who shall manufacture, repair, sell, or keep or expose for sale, any of such arms, or any percussion caps, sulphur, gunpowder, or other ammunition without such license as aforesaid, or contrary to any of the conditions contained in such license, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment, and all arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to the offender shall be forfeited if the Court or Officer before whom the offender is convicted shall so adjudge.

Manufacturing or dealing in arms and ammunition without license prohibited.

Penalty.

VI. The following are the arms referred to in Section V, namely, fire-arms, bayonet, sword, dagger, spear, and spear head.

Specification of arms referred to in Section V.

VII. Licenses to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition may be granted by a Magistrate, or by an Officer authorized by the Governor-General in India in Council or by the Executive Government to grant such licenses.

Licenses by whom to be granted.

VIII. Licenses

VIII. Licenses granted under the last preceding Section shall be in the form prescribed by the Governor-General of India in Council, and shall be engrossed on a stamp paper of the value of ten Rupees. The stamp paper shall be furnished by the person applying for the license. A separate license shall be taken out for the sale of sulphur.

Form &c. of license.

IX. Every person to whom such license shall be granted shall affix a board in a conspicuous part of his shop or usual place of business, and shall cause to be painted thereon in large letters in the vernacular of the District the words "Licensed to manufacture or deal in arms or percussion caps, sulphur, gunpowder, or other ammunition," as the case may be.

Licensee to affix a board in a conspicuous part of his shop.

X. If any person to whom such license shall be granted shall omit to put up a board inscribed as above in a conspicuous part of his shop or usual place of business, he shall be liable to a fine not exceeding one hundred Rupees.

Penalty for omission.

XI. If any person, to whom such license shall not have been granted in the manner prescribed, shall put up such board as aforesaid in his shop or usual place of business, he shall be liable to a fine not exceeding one hundred Rupees.

Penalty for putting up a board without a license.

XII. Licenses granted under Section VII of this Act shall be in force for one year from the date thereof.

Duration of license.

XIII. Any person knowingly purchasing arms of the description mentioned in Section VI or any percussion caps, sulphur, gunpowder, or other ammunition from any person not licensed, shall be liable to a fine not exceeding one hundred Rupees.

Penalty for knowingly purchasing arms or ammunition from an unlicensed person.

XIV. Every person licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition, shall enter in a book to be kept by him for that purpose, an account of all the stock-in-trade which he may from time to time have in his possession or under his control, and also the name and address of every purchaser of arms, percussion caps, sulphur, gunpowder, or other ammunition sold by him, together with the nature, description, and

Licensed manufacturers or dealers to enter in a book an account of stock-in-trade, names of purchasers, &c.

and quantity of such arms, percussion caps, sulphur, gunpowder, or other ammunition. Such book shall be open at all times to inspection by the Magistrate or other Officer duly authorized by Government in that behalf, by whom copies may be taken of all entries therein contained. If any such person shall omit or fail duly to keep such book, or to make therein all such entries as are hereby required, or if any person shall prevent or obstruct the inspection of such book or shall make a false entry therein, he shall be liable for every such offence to a fine not exceeding five hundred Rupees, in addition to double the value of any arms, percussion caps, sulphur, gunpowder, or other ammunition sold of which he shall fail to make such entry or respecting which he shall make a false entry; and if the offender be licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition, he shall also forfeit his license if the Magistrate shall so adjudge.

Inspection of book.

XV. The Magistrate or other Officer authorized by Government as aforesaid may at any time enter the premises in which arms, percussion caps, sulphur, gunpowder, or other ammunition shall be manufactured or kept by any licensed manufacturer or dealer in arms or percussion caps, sulphur, gunpowder, or other ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer, and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment, and any arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to such person may be seized and shall be confiscated if the Magistrate shall so adjudge.

Magistrate or other Officer may inspect dealers' premises.

XVI. Any license granted under the provisions of Section VII may be granted subject to such conditions as shall be thought necessary, and may be revoked or suspended by the Officer authorized to grant such licenses whenever he may think fit.

Revocation of license to manufacture or deal in arms or ammunition.

XVII. No cannon, howitzer, or mortar, and no arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition, shall be imported either by sea or by land into any part of the territories in the possession and under the Government of India

Cannon and arms and ammunition not to be imported without license.

India except under a license from the Governor-General of India in Council or from some Officer authorized in that behalf by the Governor-General of India in Council.

Penalty for importation without license.

XVIII. If any person shall import or attempt to import without such license either by sea or by land into any part of the said territories, any cannon, howitzer, or mortar, or any arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition, or shall aid or assist in such importation or in such attempt to import, or shall knowingly conceal or assist in concealing any cannon, howitzer, or mortar, or any arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition, imported without such license, he shall be liable to imprisonment with or without hard labor for any term not exceeding three years, and also to a fine not exceeding one thousand Rupees, and the articles so imported shall be confiscated if the Magistrate shall so adjudge.

Importation of arms and ammunition for private use.

XIX. The provisions of the last two preceding Sections shall not extend to arms, percussion caps, gunpowder, and other ammunition imported by any person in reasonable quantities for his own private use; but the Collector of Customs may at any time detain any such articles, if he shall think it necessary, until he shall receive the orders of Government.

Seizure and detention of sulphur by Government.

XX. The Governor-General of India in Council or the local Government may at any time seize all sulphur in the possession of any person, and detain the same for such time as they may deem necessary for the public safety.

Exception.

XXI. Nothing in this Act shall apply to sulphur kept or sold in reasonable quantities for medicinal purposes.

Government may prohibit transport of arms, ammunition, military stores, &c.

XXII. The Governor-General of India in Council may by order prohibit the transport of any arms, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, or any particular description of arms, ammunition, or military stores from one part of India to another, or the transport thereof in any particular direction to be specified in the order, or prohibit the transport thereof except according to such rules and conditions as may be specified in the order, and the local Government of

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any Presidency or place shall have the like power within the territories under its Government.

Penalty for prohibited transport.

XXIII. If any person shall transport or cause to be transported or shall attempt to transport or cause to be transported, or shall aid in transporting any arms, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, contrary to such order, or to the rules and conditions specified therein, he shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding three years, or to both fine and imprisonment, and the articles transported or attempted to be transported shall be confiscated. If any person shall by concealment or other device transport or cause to be transported, or attempt to transport or cause to be transported, such arms, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, he shall, in addition to the fine hereby provided, be liable, upon conviction, to imprisonment with or without hard labor for a term not exceeding seven years.

Provisions of two preceding Sections not to apply to Districts not ordered or liable to be disarmed under Section XXXII.

XXIV. Nothing in the last two preceding Sections shall extend to arms, percussion caps, gunpowder, and other ammunition transported by any person in reasonable quantities for his own private use in any District or place not ordered or liable to be disarmed under Section XXXII of this Act.

Persons conveying arms, ammunition, &c. under suspicious circumstances may be apprehended without warrant.

XXV. If any person shall be found carrying or conveying any arms, military stores, percussion caps, sulphur, gunpowder, or other ammunition, in such a manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by such person with intent to use the same, or that the same may be used for any unlawful purpose dangerous to the public peace, it shall be lawful for any Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, or for any other person, to apprehend without warrant the person so carrying or conveying such arms, military stores, percussion caps, sulphur, gunpowder, or other ammunition, and to detain such person in custody in order that he may be dealt with according to law.

Procedure if apprehended by other than Magistrates, &c.

If any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Section shall be carried before a Magistrate

gistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

Penalty for going armed or carrying arms without a license.

XXVI. If any person shall go armed with or carry any arms of the description mentioned in Section VI of this Act without having obtained a license from a Magistrate or other Officer authorized by the Governor-General of India in Council or the local Government authorizing him to carry arms, he shall be liable to be disarmed by any Magistrate, Joint Magistrate, or Deputy Magistrate, or Assistant to a Magistrate, or by a Police Officer, if in the judgment of such Magistrate or other Officer as aforesaid it is dangerous to the public peace to allow such person to go armed or to carry arms.

Exemptions.

XXVII. The provisions of the last two Sections do not apply to—

Commissioned, Non-Commissioned, and Warrant-Officers, Soldiers, and Sailors.

Officers, Non-Commissioned Officers, Warrant Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty, in respect of arms and ammunition kept by them for use in the public service.

Volunteers.

Members of Volunteer Corps in respect of such arms and ammunition.

Police and Revenue Officers.

Police and Revenue Officers and other persons in respect of arms and ammunition furnished by Government for use in the public service or provided by themselves with the sanction of Government for such use.

Other persons.

Such other persons as the local Government may think fit to exempt from such provisions.

Grant and revocation or suspension of licenses to carry arms.

XXVIII. Licenses to carry arms may be granted by any Magistrate or other Officer specially authorized by the Governor-General of India in Council or the local Government to grant such licenses, and may be revoked or suspended by any Officer authorized to grant such license whenever he may think fit.

Form of license.

XXIX. The license shall be in the form prescribed by the Governor-General of India in Council.

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XXX. The license shall state whether its operation is limited to the person in whose favor it is granted and whom it shall mention by name, or whether it extends to any of his followers. In the latter case the number of the followers of such person licensed to carry arms and the number and description of arms to be carried by each of such followers shall be specified.

License to state name of grantee, and number of followers to whom it is to apply.

XXXI. Whenever a Magistrate shall have reason to believe that any person residing within the limits of his jurisdiction has in his possession any arms of the description mentioned in Section VI of this Act, or percussion caps, sulphur, gunpowder, or other ammunition for any unlawful purpose or that such person cannot in the judgment of the Magistrate be left in the possession of any such arms, percussion caps, sulphur, gunpowder, or other ammunition without danger to the public peace, it shall be lawful for such Magistrate, having first recorded the grounds of his belief, to cause a search to be made of the house or premises occupied by such person or on which the Magistrate may have reason to believe such arms, percussion caps, sulphur, gunpowder, or other ammunition are to be found, and to seize and to detain the same in safe custody for such time as he may deem necessary. The search in such case shall be conducted by or in the presence of the Magistrate or by or in the presence of a Joint or Deputy Magistrate, or a European Assistant, or by or in the presence of some European Officer, Civil or Military, to be specially empowered by Government.

Search and seizure of arms and ammunition in certain cases.

XXXII. *Clause* 1. It shall be lawful for the Governor-General of India in Council or for the Executive Government of any Presidency or for any Lieutenant Governor, or with the sanction of the Governor-General in Council for the Chief Commissioner or Commissioner of any Province, District, or place subject to their administration respectively, whenever it shall appear necessary for the public safety, to order that any Province, District, or place shall be disarmed.

Executive Government may order any District or place to be disarmed.

Clause 2. In every such Province, District, or place as well as in any Province, District, or place in which an order for a general search for arms has been issued and is still in operation under Act XXVIII of 1857, it shall not be lawful for any person to have in his possession any arms of the description mentioned in Section VI of this Act, or any percussion caps, sulphur, gunpowder, or other ammunition without a license.

Possession of arms and ammunition without license prohibited.

Clause. 3. Licenses

Clause 3. Licenses to have in possession any arms of the description mentioned in Section VI or percussion caps, sulphur, gunpowder, or other ammunition may be granted by any Magistrate or other Officer specially authorized by the Governor-General of India in Council or the local Government to grant such licenses, and may be revoked or suspended by any Officer authorized to grant such licenses whenever he may think fit. The license shall be in the form prescribed by the Governor-General of India in Council or by the local Government.

Grant of licenses, &c.

Clause 4. If any person shall have a license from the Magistrate of the District or place at which he resides, or may be, to carry on a journey such arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a license stating the name and address of such person, the route by which he intends to proceed, the time which such journey is expected to occupy, and the arms which he is permitted to carry, such license shall have the same force and effect, according to its tenor, in every District or place specified therein, as if leave to go armed had been granted by the Magistrate of such District or place.

License to travellers to carry arms.

Clause 5. In every Province, District, or place which shall be ordered to be disarmed, the order of the Governor-General of India in Council or of the local Government shall be published in the Calcutta Gazette or in the Gazette in which the orders of the Governor-General of India in Council or of the local Government making the order, as the case may be, are usually published, and shall also be made public in such other manner as the Governor-General of India in Council or the local Government shall direct.

Publication of order for disarming.

Clause 6. Every person who, after the expiration of the time mentioned in such order in any Province, District, or place to which this Section shall be extended, or who after the 1st day of October 1860 in any Province, District, or place in which an order for a general search for arms has been issued and is still in operation as aforesaid, shall have in his possession or custody any such arms as aforesaid or any percussion caps, sulphur, gunpowder, or other ammunition without such license as aforesaid, shall be liable to be imprisoned with or without hard labor for a term not exceeding two years, and also to a fine not exceeding one thousand Rupees, and it shall be lawful for the Magistrate or other Officer mentioned in the order to search or cause to be searched any house or premises occupied by such person, or in which

Penalty.

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the Magistrate may have reason to believe that any such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed.

Search.

Clause 7. The search shall be conducted by or in the presence of the Magistrate or by or in the presence of a Joint or Deputy Magistrate or European Assistant, or by or in the presence of some European Officer, Civil or Military, appointed by Government to conduct such searches; and all such arms, percussion caps, sulphur, gunpowder, and other ammunition found on such search shall be confiscated.

Exemptions.

Clause 8. The provisions of this Section shall not extend to any person or persons exempted by the authority of the Governor-General of India in Council or of the local Government of the proclaimed District, or by any European Officer serving in such District duly authorized by the local Government on that behalf.

Penalty for refusing to produce or for concealing arms &c. searched for.

XXXIII. If on any such search being made under the provisions of either of the last two Sections, any person having in his possession or power any such arms, percussion caps, sulphur, gunpowder, or other ammunition, or knowing where such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed, shall refuse to produce or point out the same to the Officer making the search, or if any person shall intentionally conceal or attempt to conceal any such arms, percussion caps, sulphur, gunpowder, or other ammunition, such person may be apprehended without warrant, and shall be liable to imprisonment with or without hard labor for a term not exceeding two years, and also to a fine not exceeding one thousand Rupees.

Penalty for assaulting or resisting any person in the execution of any power vested in him by this Act.

XXXIV. Whoever assaults or resists, or aids or assists any person in assaulting or resisting any person in the execution of any power vested in him by this Act, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding six calendar months, or to both fine and imprisonment.

Cognizance of offences.

XXXV. Except as otherwise provided, all offences under this Act may be tried by any Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, unless the period of imprisonment to which the offender may be liable exceed that which the

the Magistrate, Joint Magistrate, or other Officer as aforesaid is competent to award under the laws for the time being in force in the Presidency or place in which such Magistrate, Joint Magistrate, or other Officer as aforesaid is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Magistrate, Joint Magistrate, or other Officer as aforesaid, the offender shall be committed for trial before the Sessions Judge, if the evidence given before such Magistrate, Joint Magistrate, or other Officer as aforesaid shall appear to such Magistrate, Joint Magistrate, or other Officer sufficient for the conviction of the accused.

District in which certain offences shall be tried.

XXXVI. Except as aforesaid, all offences declared to be punishable under this Act with fine, or fine and imprisonment, may be tried in the District or place in which the offence was committed, or in which the person charged with the same is apprehended.

Magistrate may refer offences punishable with fine to his Assistants for trial.

XXXVII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants, and in such case every such Assistant may exercise all the powers vested in a Magistrate by any law for the time being in force, subject to all the rules applicable to criminal cases deputed to such Assistant acting judicially.

Local Government may authorize Assistants to exercise such powers without reference by Magistrate.

XXXVIII. The local Government may give general authority to any such Assistant to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant within one month from the date of conviction.

Magistrate may call for any case pending before such Assistant.

XXXIX. A Magistrate may at any time call from any of his Assistants, any case pending before such Assistants.

Jurisdiction over British subjects committing certain offences beyond the limits of Supreme Court.

XL. If any offence which by this Act is declared to be punishable with fine and imprisonment, or imprisonment only, shall be committed by a European British subject beyond the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, the offender shall be liable, upon conviction before one of the said Supreme Courts

Courts of Judicature, to the punishment to which by this Act the offender is declared to be liable upon conviction.

Summary jurisdiction in respect of certain offences committed within the limits of Supreme Court.

XLI. If any offence which by this Act is declared to be punishable with fine or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the jurisdiction of any Court of Judicature established by Royal Charter, such offence shall be punishable upon summary conviction by any Police Magistrate of the Presidency Town or Station in which such Court is held.

Conviction to be quashed on merits only.

XLII. No conviction, order, or judgment under the last preceding Section shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken, supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

All other offences committed within limits of Supreme Court punishable by such Court.

XLIII. All other offences punishable under this Act which shall be committed within the local limits of any Court of Judicature established by Royal Charter, shall be punishable by such Court.

Levy of forfeiture and penalties by distress.

XLIV. All forfeitures or penalties imposed under the authority of this Act for offences punishable by any Magistrate of Police or by any Magistrate, or person lawfully exercising the powers of a Magistrate, or Assistant Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the abovenamed Officers.

Procedure until return is made to warrant of distress.

XLV. In case any such forfeitures or penalties shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

XLVI. If

Imprisonment, if distress not sufficient.

XLVI. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees. and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Levy of fines from European British subjects.

XLVII. If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

Rewards to informers.

XLVIII. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place.

Notice and limitation of suits.

XLIX. No suit, action, or other proceeding shall be commenced or prosecuted against any person for any thing done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

Parts of District may be withdrawn from the operation of the Act and again made subject to it.

L. It shall be lawful for the Governor-General of India in Council or for the Executive Government of any Presidency or for any Lieutenant-Governor, or with the sanction of the Governor-General of India in Council for any Chief Commissioner of any Province from time to time to withdraw from the operation

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of all or any of the provisions of this Act any part or parts of any District or place; and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

Act not intended to alter or affect any other law relating to licenses.

LI. Nothing in this Act shall be construed to alter or affect the provisions of any law or other Regulation for the time being in force relating to Licenses.

Award of hard labor not commutable to fine.

LII. Whenever an award of hard labor is made under this Act the Court shall not commute such labor to the payment of a fine under Regulation II. 1834 of the Bengal Code.

Grant of licenses in Presidency Towns.

LIII. All licenses which may by this Act be granted by a Magistrate may in the Presidency Towns be granted by a Commissioner of Police.

Interpretation of the word "India."

LIV. The word "India" in this Act shall mean the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

Commencement and duration of Act.

LV. The first Section of this Act shall take effect from the passing thereof and all the rest of this Act shall take effect from and after the 1st day of October 1860. This Act shall continue in force for five years from the said 1st day of October.

INCOME TAX ACT.

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ACT No. XXXII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th July 1860.)

An Act for imposing Duties on Profits arising from Property, Professions, Trades, and Offices.

PART I.

Imposes Duties of 3 and 1 per Cent.

Duty of 3 per cent., and Schedules 1, 2, 3, and 4.

I. FROM and after the 31st day of July 1860, there shall be collected and paid for the service of the Government of India, during the term herein limited, for and in respect of the property and profits mentioned in the several Schedules contained in this Act, and marked 1, 2, 3, and 4 respectively, the yearly Duty of three Rupees for every hundred Rupees of the annual value thereof, that is to say,

SCHEDULE 1.

For and in respect of the property in, and profits arising from, all lands and houses in India.

SCHEDULE 2.

For and in respect of the annual profits arising to any person residing in India from any kind of property whatever, whether situate in India, or elsewhere; and for and in respect of the annual profits arising to any person residing in India from any profession, trade, or employment, whether the same shall be carried on in India or elsewhere.

And

And for and in respect of the annual profits arising to any person whatever, whether a subject of Her Majesty or not, although not resident in India, from any property whatever in India, or any profession, trade, or employment carried on within India.

And for and in respect of all interest of money, annuities, and other annual profits arising to any person residing in India, or accruing and payable in India to any person, whether residing in India or not, not charged by virtue of any other Schedule of this Act.

SCHEDULE 3.

For and in respect of all profits arising from interest, annuities, or dividends, payable in India to any person, whether residing in India or elsewhere, out of the public Revenues of India.

SCHEDULE 4.

For and in respect of every public office or employment of profit in India, and every office or employment of profit in or under any Company in India, and upon every annuity, salary, or pension, payable to any person residing in India, or paid in India to or on account of any person whatever by the Government of India, except annuities charged to the Duty under Schedule 3.

Collection and payment of Duties.

II. The Duties charged under this Act shall be assessed, collected, and paid under the Rules hereinafter provided.

Duty of 1 per cent. for reproductive public works.

III. From and after the day aforesaid, there shall also be collected and paid, under the Rules contained in this Act, for the purposes hereinafter mentioned and described as roads, canals, or other reproductive public works, for and in respect of the property and profits mentioned in the said several four Schedules respectively, the further yearly Duty of one Rupee for every hundred Rupees of the annual value thereof.

Duty on fractional parts of 100 Rupees.

IV. Upon every fractional part of one hundred Rupees of the annual value or amount of the property and profits aforesaid, the like proportion of Duty at the respective rates aforesaid shall be charged, but no Duty shall be charged of a less denomination than one anna.

V. The

V. The said Duties shall be charged and levied by yearly assessments, except in the cases hereinafter provided. Every assessment made under this Act within the year appointed for making the same, shall be deemed to be for the current year, and shall be in force for such year. And every assessment made after the expiration of any year in which the same ought to have been made, shall be deemed to be for the year when the assessment ought to have been made.

Assessments to be for the current year.

VI. Such year shall commence, for the first assessment, on the 1st day of August 1860, and for every subsequent assessment during the continuance of this Act on the 1st day of August in the year of such assessment.

Such year to commence on the 1st August 1860.

PART II.

Appointment of Officers for managing and assessing the Duties.

VII. The Duties imposed by this Act shall, subject to the provisions of this Act, be under the direction and management of the Governor-General of India in Council, the several Governors, Lieutenant-Governors, and Chief Commissioners, for the time being in each Presidency, Lieutenant-Governorship, and Province. The said Governments and Authorities respectively are hereby empowered to do all such acts and things, subject as aforesaid, as may be deemed necessary for the collecting, receiving, and accounting for the said Duties throughout the respective Presidencies, Lieutenant-Governorships, and Provinces, for which the said Duties are assessed, in the like manner as they are authorized to do with relation to any other Duties or revenue under their care.

Duties to be under whose direction and management.

VIII. The Divisions and Districts of Revenue as already constituted, or as they shall be from time to time constituted, shall be made use of for the purposes of this Act, except in the cases hereinafter specified. The Presidency Towns and the Stations of the Straits Settlement shall be separate Districts for the purposes of this Act, and it shall be lawful for the local Government to add thereto any portions of the adjoining Districts of Revenue. In any such case each part of any such District so added to a Presidency Town or to a Station in the Straits Settlement shall, for all the purposes of this Act, be held and taken to be a part of such Presidency Town or such Station.

Divisions and Districts.

IX. The

Jurisdiction.

IX. The limits of the Presidency-Towns and Stations of the Straits Settlement, with any addition of adjoining Districts made by the local Government, shall be defined by the local Government, and notified in the Official Gazette of the Presidency or Settlement. All persons subject to the provisions of this Act not resident in any of such Divisions or Districts of Revenue aforesaid, or in any Presidency Town, or any Station of the Straits Settlement, shall be deemed for the purposes of this Act to be within such Revenue jurisdiction, as the Governor-General of India in Council, by order to be published in the Calcutta Gazette, shall appoint.

Commissioners to be appointed for the Presidency Towns and Straits Settlement.

X. In the Presidency Towns and Stations of the Straits Settlement, the local Government shall, from time to time, appoint persons to be Commissioners for the purposes of this Act.

Number of Commissioners for the Presidency Towns and Straits Settlement.

XI. In the Presidency Towns the number of such Commissioners shall be not less than six, of whom not less than two shall be persons not in the service of Government; and in the Stations of the Straits Settlement, the number of such Commissioners shall be not less than three, of whom one shall be a person not in the service of Government. The local Government may grant to such Commissioners in the Presidency Towns and Stations in the Straits Settlement as may not be in the service of Government, such fee or remuneration as may be approved by the Governor-General of India in Council.

If person not in the service of Government be appointed and refuse or neglect to act.

XII. If any person not in the service of Government, having been so appointed, shall decline or neglect to act, it shall be lawful for the local Government to appoint any other person, whether in the service of Government or not, to be a Commissioner in lieu of the person so declining or neglecting.

Duration of appointment, re-appointment, and removal of Commissioners appointed under the preceding Sections.

XIII. The Commissioners appointed under the last three preceding Sections shall hold the appointment for one year only, but it shall be in the discretion of the local Government, after the expiration of that period, to re-appoint any of them. It shall also be lawful for the local Government, at any time, to remove any of such Commissioners.

Quorum.

XIV. Any two of the Commissioners, one of them being an Officer of Government, shall form a quorum.

XV. The

Meetings of Commissioners.

XV. The senior Officer of Government in the Commission shall be President of the Commission. At every Meeting of the Commissioners at which such Officer shall not be present, the Senior Officer of Government present shall preside. If a difference of opinion shall arise, and the opinions shall be equally divided, the President of the Meeting shall have a casting vote.

Appointment of Special Commissioner for Presidency Towns and Straits Settlement.

XVI. For every Presidency Town and Station in the Straits Settlement, the local Government shall appoint an Officer in the service of Government on such salary as shall be approved by the Governor-General of India in Council, to be called the Special Commissioner, for the purpose of making assessments in the cases referred to him under the provisions hereinafter contained.

Appointment of Assessors &c.

XVII. In each of the Presidency Towns and Stations of the Straits Settlement, the local Government may appoint, on such salaries as may be approved by the Governor-General of India in Council, such number of Assessors and such Ministerial and other Officers as may be deemed necessary for carrying out the provisions of this Act.

Except in the Presidency Towns and Straits Settlement, Collector of Land Revenue to be entrusted with execution of Act and management of Duties.

XVIII. Except in the Presidency Towns and the Stations of the Straits Settlement, the Collector of Land Revenue shall be entrusted with the execution of this Act, and the managing, levying, receiving, and accounting for the Duties imposed thereby, under the control of the ordinary Revenue Authorities to whom such Collector is subject in matters relating to the Land Revenue.

Collector may associate others with himself to assist him in making assessments.

XIX. The Collector may, from time to time, whenever he shall think proper, associate with himself two or more persons, whether in the service of Government or not, to assist him in making assessments under this Act or in any proceeding held under the provisions of this Act.

Appointment of Deputy Collectors as Assessors.

XX. The local Government may appoint in any District one or more Deputy Collectors as Assessors, on such salaries as shall be approved by the Governor-General of India in Council, for the performance of the duties that may be performed by Assessors under this Act.

XXI. The

Appointment as Assessors of persons already employed as Deputy Collectors.

XXI. The local Government may also entrust any person who may be now employed or may hereafter be employed as a Deputy Collector in the Revenue Department with the duties of an Assessor.

Powers of Deputy Collectors.

XXII. The Collector may empower any Deputy Collector, whether employed as an Assessor or not, subordinate to such Collector, to exercise all the powers conferred on such Collector by this Act in respect of assessments in cases of profits or income not exceeding one thousand Rupees a year, subject to appeal to such Collector in the event of surcharge by such Deputy Collector.

Delegation of powers and duties to Deputy Collectors.

XXIII. The Collector may, with the sanction of the local Government, delegate to any Covenanted Officer or to any Deputy Collector whether employed as an Assessor or not, subordinate to such Collector, any of the powers or duties with which he is entrusted under this Act; but in exercising such powers and duties, such Covenanted Officer or Deputy Collector shall be subject to the direction and control of such Collector.

Appointment of Ministerial Officers by Collectors.

XXIV. It shall be lawful for the local Government to authorize the Collector to appoint, on such salaries as shall be approved by the Governor-General of India in Council, such Assessors and Ministerial and other Officers as may be necessary for carrying out the provisions of this Act, subject to the same control and Regulations as in the other Departments of Revenue.

Collector and Commissioners may exercise functions of Assessors.

XXV. The Collector and Commissioners respectively may at his or their discretion exercise any of the functions that may be performed by Assessors.

PART III.

Ex-Officio and Special Assessors for Government Securities and in Public Departments.

Ex-Officio Assessors for Interest on Government Securities.

XXVI. The Accountant General and the Sub-Treasurer of the Presidencies of Bengal, Madras, and Bombay respectively, and every Authority in charge of a Public Treasury and authorized to pay the interest on any security of the Government

Government of India, or any annuity payable out of the public revenue of India, shall be respectively Ex-Officio Assessors for executing this Act for the purpose of assessing and discharging the duties hereby imposed in respect of interest on securities of the Government of India, and of all annuities payable out of the revenues of India to any person whatever, at the places at which the said Officers respectively hold office; and in respect of all other yearly sums (other than the salaries or pensions mentioned in the five next succeeding Sections of this Act,) payable by the said Government, or out of the public revenue at the Government Treasuries at the said places respectively, and also in respect of all other profits chargeable with any Duty under this Act, and arising within any office or department under the management or control of, or the accounts of which are rendered to, or pass through the office of the said several Officers respectively.

Ex-Officio Assessors for Civil Salaries.

XXVII. The several Officers entrusted with the duty of auditing the Civl salaries and allowances payable out of the public revenue, shall be respectively Ex-Officio Assessors for executing this Act for the purpose of assessing all such salaries and allowances payable to any person in the civil employment of the Government, or serving in any Civil Department, or for the payment of which the audit of any Civil Auditor is required and payable from the public revenue by or upon the audit of such Officers respectively.

Ex-Officio Assessors for Military Pay.

XXVIII. The several Officers charged with the duty of auditing any pay, salaries, or allowances payable to any Officer or person in Her Majesty's Army, or in her Majesty's Indian Military Forces, or in the Military employment of the Government, or serving in any Military Department, or for the payment of which the audit of any Military Auditor is required and payable out of any public revenue, shall be respectively Ex-Officio Assessors for executing this Act, for the purpose of assessing all pay, salaries, and allowances payable to any person in the Military employment of the Government, or serving in any Military Department, or for the payment of which the audit of a Military Auditor General is required, and payable from the public revenue upon the audit of such Officers respectively.

Ex-Officio Assessors for Marine Pay.

XXIX. The several Officers entrusted with the duty of auditing any pay, salaries, and allowances to any Officer or person in Her Majesty's Navy, or Indian Naval Forces, or in the Marine Service of, or in any Marine Department and employment under the Government

Government, shall be Ex-Officio Assessors for executing this Act, in respect of all pay, salaries, and allowances payable to any person in Her Majesty's Navy or Indian Naval Forces or in the Marine Service of the Government, or serving in any such Marine Department and employment.

Ex-Officio and Special Assessors for Pensions.

XXX. The several Collectors, Paymasters, and Officers charged with the audit and payment, or payment without audit, of pensions payable by the Government, shall be Ex-Officio Assessors for executing this Act in respect of all such pensions; and if the local Government shall think fit to appoint any other persons to act in that behalf, the persons so appointed shall be Special Assessors for executing this Act in respect of any of the pensions payable, or audited by such Paymasters and Officers respectively.

Government to have power to appoint Special Assessors for other Departments.

XXXI. Whenever it shall appear to the local Government necessary to appoint any Special Assessor for the purpose of executing any matter in relation to any of the Duties mentioned in Schedule 3 or Schedule 4 of this Act, in respect of which no provision has been herein made for the appointment of Assessors for the purpose of executing any matter in relation to the Duties mentioned in either of the said Schedules at any place not herein mentioned, it shall be lawful for the said local Government to appoint a Special Assessor for the special purpose of executing this Act in respect of such matter, and at such place.

Assessors to have same powers as Collector or Commissioners when acting.

XXXII. The Assessors appointed under the last six preceding Sections of this Act shall have authority to exercise and apply all the powers of this Act as fully and effectually as the Collector or Commissioners are authorized to exercise and apply the same, so far as the same relate to the said Duties, to be assessed by the said Assessors, and shall make their assessment of the said Duties subject to the Rules contained in this Act in respect of such Duties respectively, according to the several Schedules under which such Duties are chargeable.

Oath of secrecy to be taken by Officers.

XXXIII. Every Commissioner, Collector, or other Officer employed in making any assessment under this Act, shall, before acting in execution of this Act, take an oath of secrecy in a form to be prescribed as hereinafter mentioned by the Governor-General of India in Council.

XXXIV. In

Administration of Oaths.

XXXIV. In the Presidency Towns and the Stations of the Straits Settlement, any one of the Commissioners, and in other places the Collector, is hereby authorized to administer such oath. The oath may be administered to the Collector by any other Officer of Government above the rank of a Deputy Collector.

PART IV

Mode of Assessment.

Proceedings of Collector and Commissioners to be recorded.

XXXV. A record shall be kept of all the proceedings held by the Collector and Commissioners under this Act.

Apportionment of District among Assessors.

XXXVI. The Collector and Commissioners shall assign to each Assessor such portion of the District in which such Assessor shall be employed, as may appear proper and shall fix the place or places at which the Assessor shall ordinarily hold his office.

Issue by Collector and Commissioners of general notice to fill in return of profits and income.

XXXVII. The Collector and Commissioners shall issue a general notice, requiring every person, liable to the Duties imposed by this Act, to fill in a return of his profits or income, in the form to be prescribed by the Governor-General of India in Council, as hereinafter provided, and to transmit such return to the Assessor by a date to be specified in the notice. It shall be explained in the notice that persons requiring forms of returns can procure them at the Office of any of the Assessors. Copies of such notice shall be affixed at the Office of the Commissioners in the Presidency Towns and Straits Settlement at the Collector's Office, at every Revenue or Police Office, and at such other conspicuous places through the Town, Stations of the Settlement, and Districts, as the Collector or Commissioners, respectively, shall appoint.

Special Notices to be served by Assessors.

XXXVIII. The Assessor shall, without delay after this Act shall come into operation, and afterwards, from year to year, serve a notice, in the form to be prescribed by the Governor-General of India in Council as hereinafter provided, on every person within his jurisdiction, whom he may consider to be liable to the Duties imposed by this Act. Such notice shall require the person to return his profits and income,

and

and shall specify the date by which the return is to be made and the place of the Assessor's Office at which the return is to be made; and shall be signed by the Assessor. The form of the return shall be prescribed as aforesaid and accompany the notice. If the person be not found, the notice shall be left at his usual place of residence or business, or shall be affixed thereto, and thereupon such notice shall be held to have been served.

Return and declaration how to be made.

XXXIX. Every person who is liable to the Duties chargeable by this Act, shall transmit to or deliver at the Assessor's Office the return duly filled in and signed by him. A declaration in the form to be prescribed as hereinafter provided, shall be added at the foot of the return, that the profits or income stated therein are truly estimated on all the sources contained in the several Schedules of this Act, after setting against, or deducting from such profit or income, such sums as are allowed by this Act, and no other sum. The return may be sealed up, and the seal shall be broken only by the Assessor.

Lists to be delivered by persons chargeable on account of others.

XL. Every person who is in the receipt of any money or value, or the profits arising from any of the sources mentioned in this Act, belonging to any other person, in whatever character the same shall be received, for which such other person is chargeable under this Act, or would be so chargeable if he were resident in India, shall, within the period mentioned in such notice as aforesaid, prepare and deliver, in the form to be prescribed as aforesaid, a list containing a true and correct statement of all such money, value, or profits, and the name and place of abode of the person to whom the same shall belong, together with a declaration in the form to be prescribed as aforesaid whether such person is of full age, or a married woman, subject to the provisions of the English Law regarding coverture, living with her husband, or a married woman, subject as aforesaid, whose husband is not accountable for the payment of the Duty hereby chargeable, or whether such person is or is not a resident in India, or an infant, or lunatic.

Lists to be delivered by persons so acting conjointly with others.

XLI. Every person acting in such character jointly with any other person, shall, in the manner aforesaid, deliver a list of the name and place of abode of every person so joined with him at the time of delivering such list.

XLII. Every

Lists of Lodgers, Inmates, &c.

XLII. Every person, when required so to do by a notice to be prescribed as aforesaid, shall, within the period to be mentioned in such notice, prepare and deliver to the Assessor of the District wherein such person shall reside, a list in writing, containing, to the best of his belief, the proper name of every lodger or inmate resident in his dwelling-house, and of any other persons, not being menial servants receiving less wages than two hundred Rupees per annum, employed in his service, whether resident in such dwelling-house or not, and the place of residence of such of them as are not resident in such dwelling-house, and also of any such lodger or inmate who shall have any ordinary place of residence elsewhere, at which he is liable, under this Act, to be assessed, who shall be desirous of being so assessed at such place of ordinary residence. Such lists shall be signed by the respective persons delivering the same, and shall be made out in the form to be prescribed as aforesaid. No person being required to deliver a list of lodgers, inmates, or other persons aforesaid, shall be liable to the penalties hereinafter mentioned or either of them, for any omission of the name or residence of any person in his service or employ, and not resident in his dwelling-house, if it shall appear that such person is entitled to be exempted from the payment of all and every the Duties hereby imposed.

Returns by persons desirous of being assessed by Special Commissioner.

XLIII. If in any Presidency Town or any Station of the Straits Settlement any person shall desire that his return be rendered to, and his assessment fixed by, the Special Commissioner, he may, together with the return, transmit, under cover to the Assessor, an application to that effect, sealed and addressed to the Special Commissioner. Such application shall, on receipt thereof, be transmitted to the Special Commissioner.

Returns by persons desirous of being assessed by Collector.

XLIV. If in any other place, any person, whose annual profits or income shall exceed two thousand Rupees, shall desire that his return be rendered to, and his assessment fixed by, the Collector, he may transmit such return sealed and addressed to the Collector.

Form of Returns under the two preceding Sections.

XLV. The returns made under the last two preceding Sections shall be in the form which shall be prescribed for returns as aforesaid. The declaration required by Section XXXIX shall be added thereto.

XLVI. The

XLVI. The Assessor on receiving the returns shall compute the Duties to the best of his judgment according to the Rules herein contained for each Schedule respectively; but he shall not summon or question the parties making the returns. The Assessor shall make an abstract in the form to be prescribed as aforesaid, specifying the name of each person, the amount of profits or income returned by such person, and the amount of Duty chargeable on such return under this Act.

Procedure on Assessor receiving returns.

Preparation of an abstract.

XLVII. If the Assessor consider any return to be understated, he shall state, in the Abstract prescribed in the last Section, the sum on which he shall consider the person making such return ought to be assessed and the amount of Duty chargeable thereon.

Understated returns to be noticed in the Abstract.

XLVIII. The Assessor shall make a list of the persons, if any, who have omitted to furnish returns, and shall compute, to the best of his ability, the amount at which such persons should be assessed, and shall enter the Duties chargeable thereon.

List of persons omitting to furnish returns.

XLIX. The Assessor shall also make out a list of the persons, if any, who have sent applications to be assessed by the Special Commissioner or Collector.

List of persons applying to be assessed by Special Commissioner or Collector.

L. The Assessor shall have full access to any Collectorate or Revenue Records which he may require to inspect, in order to enable him to compute the Duties on landed property of all kinds, according to the directions hereinafter contained.

Assessor to have access to Collectorate or Revenue Records.

LI. The Assessor shall deliver or transmit the said abstract and lists, signed by himself, together with the returns received by him, to the Collector or Commissioners. If the Assessor be empowered to make assessments under Section XXII of this Act, he shall also deliver or transmit to the Collector an abstract of the assessments so made by him.

Abstract and Lists to be sent by Assessor to Collector or Commissioners.

LII. The Collector or Commissioners shall consider the said lists and returns, and shall assess each person with the Duties properly chargeable; but they shall not summon or question the persons chargeable at this stage of the proceedings.

Collector or Commissioners definitely to assess each party.

LIII. If

Assessments made by Collector or Commissioners according to returns furnished.

LIII. If the Collector or Commissioners be satisfied with the return made by any person chargeable under this Act, they shall assess him in the amount with which he is chargeable according to the return. Such assessment shall be final, subject only to such surcharge in case of fraud as provided in this Act.

Surcharges.

LIV. Whenever the Collector or Commissioners shall be dissatisfied with any return, and shall consider that any person should be charged with Duty in excess of the sum chargeable on the amount of the profits or income returned by him, the Collector or Commissioners shall surcharge such person accordingly in such sum as they shall think fit.

Notice of surcharge.

LV. Whenever any person shall have been surcharged or shall have been charged on an assessment made under Section XLVIII by the Collector or Commissioners, a notice shall be given to such person, in a form to be prescribed as aforesaid, stating the amount of such surcharge or charge, and intimating that, if he desire to urge any objection thereto, he may appear, on a date specified, before the Collector or Commissioners, and make such representation, and tender such proof in support thereof as he may wish. But no person who shall have been charged on an assessment made under Section XLVIII, shall be heard against such charge, if he shall have been served with a notice in the manner prescribed by this Act, unless he can satisfy the Collector or Commissioners that his failure to make the return within the period allowed in such notice was unavoidable.

Procedure on appearance of party.

LVI. *Clause* 1.—If, on the day appointed, the person shall appear, he shall be heard before the Collector or Commissioners sitting with closed doors, and the Assessor shall also, if required, attend. The Collector or Commissioners shall hear the statement of the person and may inspect any books or papers which he shall voluntarily tender, or question any witness whom he shall produce, but they shall not require the person chargeable to produce any books or proofs besides those which he may choose to tender. An oath or affirmation may be administered to any witness produced by the person, but the person himself shall not be sworn unless he shall desire it. After such hearing the Collector or Commissioners shall modify, abate, or confirm, the surcharge or charge upon such person, or shall postpone the case for further hearing. After finally hearing the case, he or they shall decide the amount in which the person ought to be charged or surcharged, and shall assess him in such amount. Such decision and assessment shall be final, subject

only

only to such surcharge in case of fraud and to such revision as are provided by this Act.

Revision of assessment.

Clause 2.—For the purpose of correcting any mistake in law, or for deciding any point specially referred by the Collector, such assessment, if made by the Collector, may be revised, on the application of the person assessed, by the authorities to whom the Collector in matters relating to the land Revenue is subordinate, if they think fit so to do, under such rules as those authorities shall from time to time prescribe.

Deposit of costs before revision.

Clause 3.—Before any revision shall be made, the applicant shall deposit with the revising authorities such amount as they may require to be deposited for the purpose of covering costs as hereinafter mentioned.

Pending revision applicant liable to pay the duty.

Clause 4.—Pending the revision, the applicant shall be liable to pay the Duty with which he has been charged, as if no such application had been made, subject to a refund of such amount as the revising authorities shall direct.

Penalty for frivolous or vexatious applications.

Clause 5. If the revising authorities consider the application for the revision to have been frivolous or vexatious, they may order the applicant to pay such amount of costs as they may think reasonable, and such amount shall be retained out of the amount deposited on account of costs.

A general abstract of assessments to be prepared according to which levy of Duties to be made.

LVII. When the assessments for any place shall have been made, a general abstract shall be prepared in the form to be prescribed as aforesaid, to which the signature of the Collector or Commissioners shall be attached, and, in accordance with such abstract, the Collector or other Officer in that behalf appointed shall proceed to levy the Duties in the manner hereinafter prescribed.

Assessments made by Collector or Special Commissioner according to returns furnished.

LVIII. When any person shall have applied to be assessed by the Collector or Special Commissioner under Sections XLIII and XLIV, the Collector or Special Commissioner shall consider such application, together with the return and particulars accompanying it. If the Collector or Special Commissioner shall be satisfied with the return, he shall assess such person according thereto.

LIX. If

Surcharges.

LIX. If the Collector or Special Commissioner shall not be satisfied with the said return, he shall surcharge the person in such sum as he shall think fit. In case of such surcharge, the Collector or Special Commissioner shall cause such notice to be given to the person in the manner prescribed in Section LV, and shall proceed to make his assessment and surcharge in the manner hereinbefore prescribed.

Effect of assessment by Collector or Special Commissioner.

LX. Such assessment made by the Collector or Special Commissioner shall be final, subject only in case of fraud to such surcharge as provided in this Act.

Presidency Towns, &c. Transmission of papers to Commissioners.

LXI. In the Presidency Towns and the Stations of the Straits Settlement, the Special Commissioner shall thereupon seal up the papers and transmit them to the Commissioners.

Returns &c. to be kept under seal.

LXII. The returns and other records relating to the execution of this Act, shall be kept under seal in the Office of the Collector, or in the Presidency Towns and Stations of the Straits Settlement, in the Office of the Commissioners. The disposal of such records shall be at the discretion of the Revenue Authorities.

Papers relating to assessment not to be inspected by others than Officers expressly appointed.

LXIII. In no case shall any paper whatsoever, relating to the assessment of the Duties under this Act, be inspected by any one, save such of the Officers appointed under this Act as are herein expressly authorized to inspect the same.

Person how to appear.

LXIV. Any person who may have occasion to appear before the Collector or Commissioners or Special Commissioner under the provisions of this Act, shall attend in person, unless his personal attendance be dispensed with, on sufficient reason to be shown, in which case a servant, agent, or relation may be heard on his behalf. Provided that no Counsel, Advocate, Pleader, Attorney, or person practising the law shall be allowed to appear or plead on behalf of any other person.

Persons acting in execution of Act to be charged with Duties as other persons.

LXV. The persons acting in the execution of this Act, shall be charged and assessed to all the Duties imposed by this Act if liable thereto, and shall deliver all such returns and declarations, and shall do all such acts and things as shall be

be required to be delivered or done by this Act, in order to the assessing of the said Duties in like manner as any other persons.

A person acting in execution of Act to have no voice in the consideration of his own return.

LXVI. Any person aforesaid, whose return shall be under consideration, or who shall be concerned or interested therein, either for himself or for any other person in any character before described, shall have no voice, and shall not be present, except upon a hearing for the purpose of being examined *vivâ voce* by the Collector or Commissioners having his assessment or schedule under consideration, but shall withdraw during the consideration and determination thereof.

PART V.

Compositions.

Parties may compound for 3,4,or 5 years.

LXVII. Any person desirous of compounding for the Duties mentioned in Schedule 2 of this Act, in the first, second, or third years of this Act, shall, at any time after he shall have delivered the return of his profits or income under the said Schedules, as required by this Act, and before he shall have been assessed for such years, deliver to the Assessor of the District a notice signed by himself of his desire to compound for the Duties in the manner allowed by this Act; and shall state therein whether he desires to compound for three, four, or five years.

Parties to execute contract of composition.

LXVIII. When such assessment shall have been made by the Collector or Commissioners, or a Special Commissioner, it shall be lawful for such Collector or Commissioners to contract and agree with such person for a composition for the said Duties on the terms hereinafter mentioned, for a period of not less than three years, and not more than five years limited for the continuance of this Act, provided such person shall enter into and sign a contract of composition within the space of one calendar month next after the making of such assessment shall have been notified to him, and his appeal against the same (if any) shall have been determined.

Terms of composition.

LXIX. The terms of such composition shall be the payment in each year of the said period of the amount of the said assessment so made as aforesaid, together with an addition thereto at the rate of one Rupee for every twenty Rupees of the sum assessed as aforesaid, which addition

addition shall be made by the Collector or Commissioners to the said assessment so made for the first year of the said term.

Assessments how to be made in subsequent years upon persons executing contracts.

LXX. In each subsequent year thereof the assessment of the said Duties under Schedule 2, upon the person who shall have entered into such contract of composition, shall be made by the Collector or Commissioners in a sum equal to the aggregate amount of the said first year's assessment with the said additional rate thereon, and it shall not be necessary for such person to deliver any further return of profits or income described in the said Schedule 2 during the said period of composition.

If persons neglect or refuse to execute contract of composition.

LXXI. If the person upon whom such assessment as aforesaid shall have been made, shall neglect or refuse to enter into and sign such contract of composition within the time herein limited for that purpose, the assessment so made, without the said additional rate, shall be collected and recovered in like manner as any other assessment under this Act.

Form of contract of composition.

Contract to be in two parts.

LXXII. The contract of composition shall be made in the form to be prescribed as aforesaid. Every such contract of composition shall be made in two parts, which shall be severally signed by the Collector or one of the Commissioners, and by the person compounding. One of such parts shall be delivered to the person compounding, and the other part shall remain with the Collector or Commissioners.

Effect of contract.

LXXIII. Every such contract shall be an authority for the Collector or Commissioners to make an assessment on the person compounding for each year of the said period of composition in accordance with the terms thereof, and to cause the sum thereby assessed to be collected and paid over in such manner and by such means as are herein authorized in relation to any other assessment made under this Act.

Composition to cease on 30th April next after death or bankruptcy of party compounding.

LXXIV. If any person who shall have compounded as aforesaid shall die or become bankrupt or insolvent before the expiration of the period of composition, his contract of composition shall cease and determine on the 30th of April next after his

death,

death, bankruptcy, or insolvency, save and except as to any instalment of Duty which, before the said day, shall have become payable and shall then remain unpaid.

In case of fraud in compounding, composition to be void, and penalties incurred.

LXXV. If any person who shall propose to compound for the Duties chargeable under Schedule 2 of this Act shall wilfully make or deliver any false return or declaration of profits or income described in such Schedule, or shall wilfully conceal or omit to state any of such his profits or income, or any part or portion thereof, or any other matter or thing required by this Act to be stated in such declaration or return; or if any person shall, by any fraudulent means, procure an assessment to be made upon him for a less amount of the said Duties than he shall be chargeable with, in order to compound thereon: or if any person shall, by any fraudulent means whatever, cause or procure a contract of composition to be made or entered into with him for a less amount of Duties than he ought to be charged with, the contract of composition, if any, which shall have been made with such person, shall be void and of no effect, and such party shall be charged and assessed as if no such contract had been made, and any sum of money which may have been paid in pursuance of such contract shall be forfeited.

Officers not exercising full powers of a Collector incapable of making contracts.

LXXVI. No Officer not exercising the full powers of a Collector shall have authority to make any contract of composition under this Part of the Act.

PART VI.

Provisions as to Trustees and Special Classes of Persons chargeable.

Trustees and Guardians of incapacitated persons to be charged.

LXXVII. The trustee, guardian, curator, or committee of any person, being an infant, or married woman subject to the law of England as aforesaid, or a lunatic, and having the direction, control, or management of the property or concerns of such infant, married woman, or lunatic, whether such infant, married woman, or lunatic shall reside in India or not, shall, if such infant, married woman, or lunatic be chargeable under this Act, be charged to the said Duties in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic if he were capable of acting for himself.

LXXVIII. Any

LXXVIII. Any person not resident in India, whether a subject of Her Majesty or not, being in the receipt, through any agent, factor, or receiver, of any profits or income chargeable under this Act, shall be chargeable in the name of such agent, factor, or receiver having the receipt in India of such profits or income belonging to such person, in the like manner and to the like amount as would be charged to such person if resident in India, and in the actual receipt thereof.

Agents, Factors, and Receivers of non-residents to be charged.

LXXIX. Every such trustee, guardian, curator, or committee, and every such agent, factor, or receiver, shall be answerable for the doing of all such acts and things as are required to be done by the person chargeable.

Trustees, Guardians, Agents, &c., required to do all acts required to be done by their principals.

LXXX. No trustee, who shall have authorized the receipt of the profits or income arising from trust property by the person entitled thereto, or by the agent of such person, provided such person shall actually receive the same under such authority, and no agent, or factor, or receiver of any person, being of full age, and resident in India, and being under no disability, who shall return a list in the manner herein required, of the name and residence of such person, and of the amount of the income liable to be assessed, shall be required to do any other act for the purpose of assessing such person, unless the Collector or Commissioners, acting in the execution of this Act in respect of the assessment to be made on such person, shall require the evidence of such trustee, agent, or receiver. The Collector or Commissioners shall have power to summon such person to attend before them when his evidence is required.

Trustees or Agents of certain persons (being resident in India) only required to deliver a list of names and residence of principals.

LXXXI. Every person who shall act in any character as aforesaid for any other person, who by reason of any such incapacity as aforesaid, or by reason of his not being resident in India, cannot be personally charged by virtue of this Act, shall also, when required, deliver in the manner herein directed and in the same District in which the person delivering such list ought to be charged on his own account, a true and correct statement, in writing, signed by him, of the amount of the profits and income to be charged on him on account of such other person, estimated during the period, and according to the rules contained in the said respective Schedules, together with such declaration of the truth of such statement, as required in Section XXXIX of this Act.

Trustees or Agents of incapacitated persons may be required to furnish statements of income and profits.

LXXXII. When

LXXXII. Where two or more such persons shall be liable to be charged for the same person, one return only shall be required, and such return shall be made by such persons jointly, or by one or more of them on behalf of himself or themselves; and it shall be lawful for them to give notice, in writing, to the Collector or Commissioners acting for the place where they shall be called upon for such statement, in what place they are respectively chargeable by this Act on their own account, and in which of the said places they are desirous of being so charged on the behalf of such other person for whom they so act in any of the characters before-mentioned, and they shall be assessed accordingly by one assessment in such place, provided any one of such persons shall be liable to be charged on his own account in the same place.

Mode of Assessment if two or more such persons are liable to be charged for the same person.

LXXXIII. If more than one assessment shall be made on such persons, or any of them, on the same account, relief shall be granted for such double assessment by like applications to the Collector or Commissioners, as are allowed in other cases by this Act.

Relief from double Assessments.

LXXXIV. The receiver or manager appointed by any Court in India, whether constituted by Royal Charter or not, or having the direction and control of any property in respect whereof a Duty is charged by this Act, whether the title to such property shall be uncertain or not, or subject to any contingency or not, shall be chargeable to the said Duty in like manner and to the like extent as the persons entitled thereto would be chargeable, if in actual possession of the said property, and if the title thereto were certain and not subject to any contingency whatever.

Receiver or Manager of trust property chargeable.

LXXXV. The several Courts of Wards in the Presidencies of Bengal, Madras, and Bombay, and in any other parts of India wherein such Courts are established, shall, in respect of all property, profits, and income under the direction and control of such Courts, and chargeable with any Duty under this Act, whether the proprietors on whose behalf the said Courts shall have such direction or control, be or continue disqualified or not, so long as the said Courts shall have such direction or control, shall be chargeable to the said Duty in the like manner and to the like extent as the proprietors of such property, profits, and income, if not disqualified, and if in actual possession thereof, would be chargeable.

Court of Wards is to be charged for property in its control.

LXXXVI. The

Administrators General are to be charged for all property in their possession and control.

LXXXVI. The Administrators General of Bengal, Madras, and Bombay shall be chargeable under this Act in respect of all property, profits, and income in their possession or under their control by virtue of any letter of administration or *ad colligenda*, or by virtue of any probate granted to them respectively as executor of any will, or of any appointment as curator, or as official trustee.

Receivers, Managers, Courts of Wards, and Administrators General are required to do all acts under this Act.

LXXXVII. Every such receiver or manager, every such Court of Wards, and every such Administrator General, shall be answerable for doing all such matters and things, and for delivering all such returns and declarations, as are required to be done by virtue of this Act, in order to the charging of the Duties imposed by this Act in respect of the several properties, profits, and income under their care respectively, and in order to the payment of the same.

Bodies, Companies, and Societies charged with Duties.

LXXXVIII. All Bodies politic or corporate or collegiate, and all Companies or Societies of persons, whether corporate or not corporate, and the property thereof, shall be chargeable with the same Duties, and shall be subject in all respects to the provisions of this Act, in the same manner as any person and his property are subject thereto.

Secretaries, or Principal Agents or Managers of registered Bodies, Companies, or Societies to do all acts required for assessment.

LXXXIX. When any such Body, Company, or Society shall be registered under any Act of the Governor-General of India in Council for the time being in force, the registered Officers of such Body, Company, or Society, and where it shall not be so registered, the Secretary or Principal Agent or Manager in India, shall be answerable for doing all such acts and things as shall be required to be done by virtue of this Act, in order to the assessing such Body, Company, or Society, or the officers or servants thereof, as hereinafter provided, to the Duties imposed by this Act and paying the same.

Treasurers &c. of Bodies, Companies, and Societies, answerable for payment of Duties.

XC. The Treasurer, Secretary, or Principal Agent or Manager in India of any such Body, Company, or Society, whether the same be registered as aforesaid or not, shall be also answerable for the payment of the said Duties, payable by such Body, Company, or Society.

XCI. The

Treasurers &c. of Bodies, Companies, and Societies are required to deliver correct returns.

XCI. The Treasurer, Secretary, or Principal Agent or Manager in India of any such Body, Company, or Society, shall also, within the period required by this Act, prepare and deliver, in the form to be prescribed as aforesaid, a true and correct return of the profits and income to be charged on such Body, Company, or Society, computed according to the directions of this Act, together with such declaration of the truth of the said return as aforesaid, as required by Section XXXIX of this Act.

Such return to be made on annual profits and income before a dividend is made.

XCII. Such return shall be made on the amount of the annual profits and income of such Body, Company, or Society, before any dividend shall have been made thereof to any other persons, Bodies, or Companies having any share, right, or title in or to such profits or income, and all such other persons, Bodies, Companies, or Societies shall allow, out of such dividends, a proportionate deduction in respect of the Duty so charged.

Trustees, Agents, and Receivers may retain Duties charged on them out of trust monies.

XCIII. When any trustee, guardian, curator, or committee, agent, factor, or receiver of or for any person, shall be assessed under this Act in respect of such person; or when any receiver appointed by any Court, or when any Court of Wards, or any Administrator General, shall be assessed under this Act in respect of the property, profits, or income received by them; or when any Secretary, Agent, Manager, or other officer of any Body, Company, or Society shall be so assessed in respect of such Body, Company, or Society as aforesaid, it shall be lawful for every such person, who shall be so assessed, out of the money which shall come to his hands as such trustee, guardian, curator, committee, agent, factor, or receiver as aforesaid, or as such receiver, Court of Wards, or such Secretary, Manager, Agent, or Administrator General, or such other officer as aforesaid, to retain so much thereof from time to time as shall be sufficient to pay such assessment; and each of the said persons enumerated in this Section is hereby fully indemnified against every person, Body, Company, or Society whatsoever, for all payments which he shall make under this Act.

Married woman (subject to English law) having separate property chargeable.

XCIV. Any married woman subject to the law of England in regard to her coverture, acting as a sole trader in her own name, or having or being entitled to any profits or income to her sole or separate use, shall be chargeable to the Duties under this

Act,

Act, in like manner, except as hereinafter mentioned, as if she were sole and unmarried.

Profits of married woman (subject to English law) living with her husband, how chargeable.

XCV. The profits or income of any married woman subject to the law of England as aforesaid, living with her husband, shall be deemed the profits of the husband, and the same shall be charged in the name of the husband, and not in her name or in the name of her trustee.

Profits of married woman (subject to the English law) living in India separate from her husband, how chargeable.

XCVI. Any married woman subject to the law of England, or acting as committee as aforesaid, living in India separate from her husband, whether such husband shall be temporarily absent from her or from India, or otherwise, who shall receive any allowance or remittance from property out of India, shall be charged as a *feme sole* if entitled thereto in her own right, and as the agent of the husband if she receive the same from or through him, or from his property, or on his credit.

PART VII.

Rules under Schedule 1.

Assessment of Duties imposed under Schedule I.

XCVII. The Duties hereby imposed and contained in Schedule 1 shall be assessed and charged under the following Rules, that is to say:—

SCHEDULE 1.

Profits of lands paying revenue direct to Government under settlements subject to revision, to be estimated at one-third the Government Revenue.

Rule 1. The annual profits of the proprietors or holders of lands paying revenue direct to Government not under any permanent settlement, but under any settlement liable to revision or alteration, shall be estimated at one-third of the annual amount of revenue payable to the Government. The owners or holders of such lands shall be chargeable with the amount of the annual profits so estimated.

Assessment upon such lands may be reduced on proof that the profits realised are less than one-third the Government Revenue.

Rule 2. If any owner or holder of lands included in Rule 1 shall prove to the satisfaction of the Collector or Commissioners that the actual annual profits received by him from the said lands are less in value than one-third the annual amount of revenue payable in respect of the said lands, the Collector or Commissioners

Commissioners shall reduce accordingly the annual amount of Duty with which such owner or holder is chargeable.

Upon application to reduce, holder, if he fails, liable to be charged with excess of profits above one-third of the Government Revenue.

Rule 3. If any such owner or holder shall object, either before the Collector or the Commissioners, to be charged with the annual value at the rate of one-third the annual amount of revenue payable on the said lands, he shall be bound to make all the returns and declarations, and be subject to the same rules as the owners or holders of lands mentioned in the following rules; and if it shall appear to the Collector or to the Commissioners that the annual profits arising from the said lands are more in value than one-third of the said annual amount of the said Government revenue, the Collector or the Commissioners shall charge such owner or holder with such increased annual value of the profits, and he shall be charged double Duty in respect thereof.

All persons in receipt of rents and profits of lands and houses not included in Rule 1 to make returns, and to be chargeable with actual profits.

Rule 4. All persons in the actual receipt, whether as owners or not, of any rents or profits arising out of any lands or houses not included in the said first general rule, whether paying revenue to the Government or not, shall return and deliver, as aforesaid, a statement of all the several estates, tenures, sub-tenures, lands, and houses held by them, and of the nature of such estates, tenures, and sub-tenures, and of the amount of the rents and profits whereof they shall be in receipt as aforesaid, under any title whatever, and in whatever District situated, and of the rents and profits, of whatsoever nature or kind, received and receivable by them on account of every such separate estate, tenure, sub-tenure, lands, and houses as the rent or profits payable for the preceding year, that is to say, the revenue year immediately preceding the year of assessment, and shall be chargeable upon the annual amount of such rents and profits. Every return required by this Section shall be accompanied by a rent-roll containing the name of every person to whom such lands or houses or any part thereof are underlet by the person making such return, and the amount of rent payable in every such case, and every such return and rent-roll shall be filed in the Collector's Office, and shall be conclusive evidence against the person making such return in any suit for the recovery of rent as to the amount payable by any tenant included in such rent-roll for the period to which such return applies, and shall also be conclusive evidence against him in all other actions or suits, unless it shall be proved to the satisfaction of the Court or Officer before whom such return and rent-roll is offered in evidence, that any statement contained

therein

therein is erroneous, and that the error arose from accident and not from any fraudulent intention, in which case the said Court or Officer shall not be bound to treat the same as conclusive.

Provision as to co-sharers.

Rule 5. Every such person as aforesaid, who shall not receive for his own sole use and benefit the whole rents and profits of any such estate, tenure, sub-tenure, lands, or houses as aforesaid, shall state in his said return, to the best of his knowledge and belief, the name of every other person having a share therein, the extent of the respective shares of such persons, and the amount of rents and profits received by them for their own use and benefit. Any two or more persons, being sharers in any estate, tenure, sub-tenure, lands, or houses, may render a joint return to the above effect, in which they shall specify their respective shares.

Assessment after deducting land revenue or rent.

Rule 6. *Clause* 1. In returning such rents and profits the gross amount received and receivable during the preceding year shall be fully stated, but if the person receiving or entitled to receive the same be himself liable to pay, in respect of any land or house, any land revenue to Government or any rent to any superior landlord, he shall state in his return the amount of such revenue and rent, and the name of the person to whom the rent is payable, and shall be charged with the said Duties on his rent and profits, whether received or not, after deducting the amount of such land revenue or of the rent so payable by him to such superior landlord.

Assessment without deduction.

Clause 2. Or at the option of the Collector or Commissioners he may be charged with the Duties on the rent and profits without making any such deduction on account of land revenue or rent.

Person so assessed may deduct from superior landlord.

Clause 3. Whenever any person shall pay the said Duties on the rent or profits of any land or house without deduction on account of any land revenue or rent payable by him in respect of such house or land, he shall have a right to deduct from any revenue or rent payable by him, as the case may be, a sum equal to the amount of the Duty computed upon such revenue or rent.

Clause 4.

Payment deemed a payment to Government by the person from whom deduction is made.

Clause 4. A deduction from revenue or rent under the provisions of this Act shall be deemed a payment to Government by the person from whom the deduction is made of the amount so deducted.

All other persons occupying lands to return and be charged with actual profits.

Rule 7. All other persons occupying lands or houses, other than ryots and occupiers as provided in Sections CXXX and CXXXI of this Act, and not being the owners thereof, shall return and deliver, in manner aforesaid, the actual amount of profits realised by them from the said lands or houses during the preceding year, and shall be assessed thereon.

Owners of lands or houses occupying the same to be charged at rack-rent at which the same are worth to be let.

Rule 8. Owners of lands or of houses occupying the same, except ryots and occupiers as last aforesaid, shall be chargeable in respect of the annual value thereof at the rack-rent at which such lands or houses are worth to be let for the year.

Fines and bonuses on leases.

Rule 9. The said Duty shall also be assessed upon the amount received within the year preceding by or on account of any person as a fine or bonus in consideration of any lease of, or agreement to let any land or house.

Mortgagees in possession.

Rule 10. When any mortgagee or creditor having a lien on any land or house shall be in possession of the land or house mortgaged, such mortgagee or creditor, whether in the actual occupation, or in the receipt of the rents and profits of such land or house, shall be chargeable as the owner of the same, according to the Rules herein contained; and upon any settlement of accounts between such mortgagee or creditor, and the mortgagor or debtor, the Duty chargeable under this Act, in respect of the amount of the interest payable upon the mortgage or debt, shall be taken and allowed as so much money received by such mortgagee or creditor on account of such interest.

Owners dying before payment.

Rule 11. If the person who is the owner of any land or house at the time the assessment is made, shall die before payment of the Duty chargeable under this Act, the heirs, executors, administrators, or assigns, or other person who, on the death of such person, shall become entitled to the rent or profit of such land or house, shall be liable to the payment

payment of all arrears of the said Duty due at the time of the death of such person, and to all subsequent instalments for the same year, without any new assessment.

Houses divided into distinct portions.

Rule 12. When any house shall be divided into distinct portions, and such portions shall be occupied by distinct owners or their respective tenants, such owners shall be liable for their respective proportions of the Duties chargeable under this Act.

No deduction allowed, unless expressly authorized and stated in writing.

Rule 13. No deduction from the assessment of any land or house shall be allowed in any case, unless the same shall be authorized by this Act, nor unless an account in writing, signed by the party claiming such deduction, stating the nature and amount thereof, shall have been delivered to the Assessor within the time, and pursuant to the notice given by such Assessor. Provided it shall be lawful for any local Government to authorize a deduction to be made in respect of any extraordinary or unusual charge to which the property is subjected.

Surcharge for deductions made contrary to Act.

Rule 14. If any such deduction shall be made contrary to this Act, or without such account in writing as aforesaid, the person making the same shall be surcharged with the amount of such deduction.

Rent received in grain or produce.

Rule 15. When the rent of any land shall depend wholly or in part on the price of any kind of grain, or on the actual produce of the land, the computation for the purpose of charging the Duties in Schedule 1 of this Act, in respect either of the price or quantity of such produce, shall be made, and the amount to be assessed shall be ascertained, according to the rules and in the manner by which such rent has been usually ascertained in the same District between landlord and tenant, and the Collector or Commissioners shall in such cases determine according to what rules and in what manner it has been usual, in the said District, to ascertain the amount of such rent between landlord and tenant.

Duty to be assessed on lands and houses whether occupied or not.

Rule 16. The Duty shall be assessed on all lands and houses, whether occupied at the time of assessment or not.

Rule 17.

Rule 17. The said Duty shall not be levied on any house which shall be unoccupied for such year or portion of the year as the same shall be unoccupied, but the assessment thereupon for such year, or portion of the year as aforesaid, shall, upon appeal, be discharged or diminished by the Collector or Commissioners, on due proof of the time during which such house remained unoccupied.

Remission of assessment on unoccupied houses.

Rule 18. If any dispute shall arise touching the annual value of any land or house, and the Collector or Commissioners shall deem it necessary, or the person chargeable shall desire, that a valuation thereof shall be made by any competent person, it shall be lawful for the Collector or Commissioners to direct that a valuation be made by any such person to be named by the Collector or Commissioners, the costs and charges whereof shall abide the final determination of the Collector or Commissioners, and to require the just valuation to be verified on the oath or solemn affirmation of the person making the same. If the person chargeable, after having desired such valuation, or any person instigated by him, shall obstruct or resist the making of such valuation, the Collector or Commissioners shall make an assessment according to the best of their judgment without such valuation.

Power to appoint a Valuer.

Rule 19. It shall be competent to the Collector or Commissioners, in every case where the valuation so made shall exceed the value put upon the said land or house by the person chargeable, to direct that the costs and charges attending the same shall be paid by him; but if they shall be of opinion that such costs and charges have not been incurred through any fault of such person, they shall direct the same to be paid by the Collector of the District, who, on the certificate of the Collector or Commissioners present at the time of the determination, shall pay the same.

Costs of valuation by whom to be paid.

Rule 20. Whenever, by any flood, drought, or tempest, loss shall be sustained on the growing crops, or on the stock on lands let to tenants, or the lands, or any part thereof, shall by such flood, drought, or tempest, be rendered incapable of cultivation for any year, and it shall be proved to the satisfaction of the Collector or Commissioners that the owner of the said land, or the person in receipt of the rents thereof, has, in consideration of such loss, abated or agreed to abate to any tenant the whole or any proportion of the rent reserved or payable by such tenant for any year of such lease, it shall be lawful for the Collector or Commissioners

Deduction in favor of owners where rent reduced in consequence of flood, drought, or tempest.

Commissioners to abate in the assessment made in respect of the said lands for the same year for which such rent has been abated, and to discharge therefrom the whole or the like proportion of Duty as the said owner shall be proved to have abated from the rent reserved and made payable to him on such lease.

A similar provision in favor of occupiers.

Rule 21. It shall also be lawful for the Collector or Commissioners, in every such case, to abate in the assessment made in respect of the occupation of the said land for the same year, and to discharge therefrom the like proportion of Duty as shall have been abated or discharged from the assessment made in respect of the property on the said land for the cause aforesaid.

A similar provision as to lands in occupation of owner.

Rule 22. Whenever, from any of the causes aforesaid, the like loss shall be sustained on any land in the occupation of the owner, and the same shall be proved to the satisfaction of the Collector or Commissioners, it shall be lawful for the Collector or Commissioners to abate in the assessment made in respect of the said land, and to discharge the whole or any part of the said Duty, in proportion to the loss so sustained, and to the amount which the Collector or Commissioners shall be of opinion would or ought to have been abated as aforesaid, if the said land had been let to a tenant, and a proportionate abatement had been made to such tenant under the circumstances of the said loss.

Deductions for loss caused by insolvency or absconding of tenants.

Rule 23. Whenever any loss of rent shall be sustained by the owner or landlord of any land occasioned by the insolvency or absconding of the tenant or occupier by whom such rent was payable, or by the fraudulent assignment or removal of his goods, or by reason of such land being left unoccupied or waste, and the same shall be established to the satisfaction of the Collector or Commissioners, it shall be lawful for the Collector or Commissioners to abate in the assessment made in respect of the said land, and to discharge the whole or any part of the said Duty in proportion to the loss so sustained.

PART VIII.

Rules under Schedule 2.

Assessment of Duties under Schedule 2.

XCVIII. The Duties hereby imposed contained in the Schedule marked 2 shall be assessed and charged under the following Rules:—

SCHEDULE 2.

The said Rules shall extend and apply to every description of property or profits which shall not be contained in either Schedule 1 or Schedule 3, and to every description of profession or employment of profit not contained in Schedule 4, and not specially exempted from the said Duties, and shall be charged annually on, and paid by the person receiving or entitled to the same, and his representatives.

FIRST CASE.—*The Duties to be charged in respect of any Trade.*

Computation of Duties to be charged for the preceding year.

Rule 1. The Duties to be charged in respect of any trade shall be computed upon a sum not less than the full amount of the profits of such trade during the preceding year, that is to say, during one year ending on the day of the year immediately preceding the year of assessment on which the accounts of the said trade shall have been usually made up, or on the 30th day of April preceding the year of assessment, and shall be assessed and paid without other deduction than is hereinafter allowed. Provided that any profits made in respect of any trade or adventure carried on entirely out of India, and which shall be in no way connected either with the products of India exported therefrom, or with any manufactures or products whatever purchased out of India and imported or to be imported into India, shall be exempted from any charge under this Act, unless such profits be received in India.

Proviso as to profits of trade &c. carried on out of India.

Computation when the trade has been commenced within the preceding year.

Rule 2. When the trade shall have been set up and commenced within the period of one year, or within the year of assessment, the computation shall be made according to an average of the profits for such period as the Collector or Commissioners shall, under the circumstances, direct.

Description of trades chargeable under Schedule 2.

Rule 3. The Duties under Schedule 2 shall extend to every trade, whether the same be connected with the occupation and use of land or not, including among others the following persons; Railway Companies, Canal Companies, Steam Navigation Companies, Irrigation Companies, Docking Companies, Coal Companies, Gas Companies, Mining Companies, Tea Companies, Indigo Planters and Manufacturers, Coffee Planters, Sugar Planters, Tea Planters, Silk Manufacturers, Holders of Silk Filatures, and all Companies and persons holding or using land for the purpose

purpose of manufacturing the produce thereof and selling such produce when manufactured, or for any purpose of the nature of trade or manufacture, whether such Companies or persons are subject to the Bankrupt or Insolvent Laws as traders or not. The foregoing enumeration shall not be construed to exclude any person not expressly specified therein, who would, but for such enumeration, have been deemed to be included therein under the general words of this Rule.

No deduction to be allowed in computation, except those specified.

Rule 4. In estimating the profits or income chargeable under Schedule 2, or for the purpose of assessing the Duties thereon, no sum shall be allowed to be set against or deducted from such profits or income on account of any sum expended for repairs of premises occupied for the purpose of such trade, manufacture, or concern, nor for any sum expended for the repairs of any implements, utensils, or articles employed for the purpose of such trade, manufacture, or concern, beyond the sum usually expended for such purposes, according to an average of three years preceding the year in which such assessment shall be made; nor on account of loss not connected with, or arising out of such trade; nor on account of any capital withdrawn therefrom, nor for any sum employed or intended to be employed as capital in such trade; nor for any capital employed in improvement of premises occupied for the purposes of such trade, manufacture, or concern; nor on account of any interest which might have been made on such sums if laid out at interest; nor for any debts, except bad debts proved to be such to the satisfaction of the Collector or Commissioners.

No deduction on account of annuities payable out of profits.

Rule 5. In estimating the amount of the profits or income arising as aforesaid, no deduction shall be made on account of any annual interest, or any annuity or other annual payment paid or payable to any person out of such profits.

SECOND CASE.—*The Duties to be charged in respect of professions or employments not contained in any other Schedule of this Act.*

Duties chargeable on all employments, whether annual or not.

Rule 6. The Duties on professions or employments shall be construed to extend to every profession and employment in any character whatever, for whatever period, and to all profits and earnings, of whatever value, subject only to such exemptions as are hereinafter mentioned.

Rule 7.

Period of computation.

Rule 7. The Duties to be charged shall be computed at a sum not less than the full amount of the balance of the profits and income of such profession or employment (after making such deductions as by this Act are allowed) within the preceding year, ending as in the first case, to be paid on the actual amount of such profits or income, without any deduction, subject to the like provisions as are made in the first case in Rule No. 2, in respect of the period of computation in the case of setting up or commencing such profession or employment within the year preceding the year of assessment, or within the year of assessment.

4th and 5th Rules of Case 1 applicable to Case 2.

Rule 8. The fourth and fifth Rules in the first Case shall also extend to the profits arising under the second Case, as far as they are applicable.

Rules applying to both the preceding Cases.

Disbursements which are not to be allowed in computing profits under Schedule 2.

Rule 9. In estimating the profits or income to be charged according to either of the first or second Cases, no sum shall be allowed to be set against or deducted from such profits or income for any disbursements or expenses whatever, not being money wholly and exclusively expended for the purposes of such trade, or of such profession or employment, nor for any disbursements or expenses of maintenance of the parties, their families, or establishments, nor for the rent or value of any dwelling-house or domestic offices, or any part of such dwelling-house or domestic offices, except such part thereof as may be used for the purposes of such trade, profession, or employment, not exceeding the proportion of the said rent or value hereinafter mentioned, nor for any sum expended in any other domestic or private purpose distinct from the purposes of such trade, or of such profession or employment.

Duties to be computed inclusive of profits arising from lands connected with trade.

Rule 10. The computation of the Duties to be charged in respect of any trade, profession, or employment, whether carried on by any person singly or by any two or more persons jointly, or by any Corporation, Company, or Society, shall be made inclusive of the profits or income arising from any land or house occupied for the purpose of such trade or of any profession or employment.

Rule 11. The computation of Duties arising in respect of any trade, profession, or employment carried on by two or more persons jointly, shall be made and stated jointly and in one sum, and separately and distinctly from any other Duty chargeable on the same persons or either or any of them.

Computation in the case of several persons in partnership.

Rule 12. The return of the partner who shall be first named in the deed, instrument, or other agreement of co-partnership, or where there shall be no such deed, instrument, or agreement, then of the partner who shall be named singly, or with precedence to the other partner or partners, in the usual name, style, or firm of such co-partnership, or where such precedent partner shall not be an acting partner, then of the precedent acting partner, and who shall be resident in India, shall be sufficient authority to charge such partners jointly.

Return of partner first named in deed or of precedent acting partner resident in India, sufficient authority to charge partners jointly.

Rule 13. Every such partner who shall be so first named as aforesaid, and such precedent partner or precedent acting partner as aforesaid resident in India, is hereby required, under the penalty herein contained for default in making any return required by this Act, to make such return on behalf of himself and the other partner or partners, whose names and residences shall also be declared in such return.

Liability of every such partner to penalty for default in making returns.

Rule 14. Where no such partner shall be resident in India, then the statement shall be prepared and delivered by their agent, manager, or factor, resident in India, jointly for such partners, and such joint assessment shall be made in the partnership name, style, or firm, and no separate statement shall be allowed in any case of partnership, except for the purpose of the partners separately claiming an exemption as herein directed, or of accounting for separate concerns.

Where no such partner is resident in India.

Rule 15. Any partner being entitled to exemption, shall declare the proportion of his share in such partnership, trade, or profession, in order to a separate assessment. For the above purpose, it shall be lawful to charge the partners in such partnership separately; but if no such claim be made, and in any other case, such assessment shall be made jointly, according to the amount of the profits and gains of such partnership.

Case of separate assessment.

Rule 16. Any partner in such trade, profession, or employment, who shall have been already returned by such precedent partner as aforesaid, may return his name and place of abode, and that he is such partner, without returning the amount of Duties payable in respect thereof, unless the Collector or Commissioners shall think proper to require a further return, in which case it shall be lawful for the Collector or Commissioners to require from every such partner the like return as they are hereby entitled to require from the precedent partner.

Partners returned by precedent partner may return their own names.

Rule 17. If amongst any persons engaged in any trade, or in any profession or employment in partnership together, any change shall take place in any such partnership, either by death or dissolution of partnership as to all or any of the partners, or by admitting any other partner therein before the time of making the assessment, or within the period for which the assessment ought to be made under this Act, or if any person shall have succeeded to any trade, or any profession or employment, within such respective periods as aforesaid, the Duties payable in respect of such partnership, or any of such partners, or any person succeeding to such profession, trade, or employment, shall be computed and ascertained according to the profits and income of such business derived during the respective periods herein mentioned, notwithstanding such change therein or succession thereto as aforesaid, unless such partners or such persons succeeding to such business as aforesaid shall prove, to the satisfaction of the Collector or Commissioners, that the profits or income of such business have fallen short, or will fall short, for some specific cause, to be alleged to them, since such change or succession took place and by reason thereof.

Rule as to change in partners.

Rule 18. Every statement of profits or income to be charged under this Schedule shall include every source so chargeable on the person delivering the same on his own account or on account of any other person.

Statement of profits to include every source of profit.

Rule 19. Every such statement on the behalf of any other person, for which such person shall be chargeable as acting in any of the characters before described, or on the behalf of any Corporation, Company, or Society, shall include every source chargeable as last aforesaid, and shall be delivered in that District where such person, Corporation, Company, or Society would be chargeable, if acting on his or their own behalf.

Statement of profits on behalf of other persons or of Corporations, Companies, or Societies.

Rule 20.

THIRD CASE.—*The Duties to be charged in respect of profits of an uncertain yearly value not charged in Schedule* 1.

Rule as to profits of uncertain yearly value.

Rule 20. The Duties to be charged in respect of profits of uncertain yearly value not charged in Schedule 1, shall be computed at a sum not less than the full amount of the profits arising therefrom within the preceding year, ending as in the first Case, to be paid on the actual amount of such profits, without any deduction.

Rule as to profits on securities, not included in Schedule 3.

Rule 21. The profits on all securities bearing interest payable out of the public revenue, (except securities herein directed to be charged under the rules of Schedule 3,) and on all discounts and on all interest of money, not being annual interest, shall be charged according to the last preceding Rule in this Case.

FOURTH CASE.—*The Duties to be charged in respect of Interest or Income arising from any Property situated out of British India, whether in any other part of Her Majesty's Dominions or not.*

Computation of income arising from property out of British India, to be made according to receipts of preceding year.

Rule 22. The Duties to be charged on any person residing in India, in respect of any interest or income arising from any property situated out of India, whether in any other part of Her Majesty's Dominions or not, if such interest or income is received or intended to be received in India, shall be computed on a sum not less than the full amount of the actual sums which have been received in India during the preceding year, without other deduction or abatement than is herein allowed.

FIFTH CASE.—*The Duties to be charged in respect of any annual profits or income not falling under any of the foregoing Rules, and not chargeable under any other Schedules.*

Computation of profits not falling under any of the foregoing Rules.

Rule 23. The nature of any profits or income not falling under any of the foregoing Rules, and the principle on which the amount thereof shall have been computed, and the average taken thereon (if any), shall be stated in the return made by the party in this behalf, and the computation shall be made either on the amount of the full value of the profits or income received annually, or according to an average of such period, not exceeding one year, as the case may require, and as shall be directed

be directed by the Collector or Commissioners, and such statement and computation shall be made to the best of the knowledge and belief of the person in receipt of the said profits or income or entitled thereto.

General Rules.

When one person, or one firm consisting of the same persons, carries on two distinct trades, losses in one trade may be set off against profits in the other.

Rule 24. Any person carrying on in the same Presidency Town, Station in the Straits Settlement, or District, two or more distinct professions, trades, or employments, the profits whereof are made chargeable under the Rules of Schedule 2, and in each of which he is solely interested; or any two or more persons carrying on in the same Presidency Town, Station in the Straits Settlement, or District, in partnership with each other, two or more distinct professions, trades, or employments, in each of which the same persons alone are interested, may deduct and set off against the profits acquired in one or more of the said professions, trades, or employments, the excess of the loss sustained in any other of the said professions, trades, or employments, over and above the profits thereof, in such manner as may be done under this Act where a loss may be deducted from the profits of the same trade.

In such cases separate statements of profits and losses to be made.

Rule 25. Such person or persons shall, in such cases, make separate statements of the profits and losses of the said several trades.

Deduction for two-thirds of rent of houses occupied for purpose of trade or profession.

Rule 26. Any person carrying on any profession, trade, or employment, either alone or in partnership, renting a house, part of which shall be used by him for the purposes of any profession, trade, or employment hereby charged, may deduct and set off from the profits of such profession, trade, or employment such sum, not exceeding two-third parts of the rent *bonâ fide* paid for such house, with the appurtenances, as the Collector or Commissioners shall think fit to allow, and the Collector or Commissioners shall have authority to allow such deductions as in other cases, and to assess such person accordingly.

Duty to be charged on all annual interest not otherwise charged under this Act.

Rule 27. Upon all annuities, yearly interest of money, or other annual payments, whether such payments shall be payable within or out of India, either as a charge on any property of the person paying the same by virtue of any deed, or will, or otherwise

otherwise, or as a reservation thereout, or as a personal debt or obligation by virtue of any contract, or whether the same shall be received and payable half-yearly or at any shorter or more distant periods, the Duties payable under this Act shall be charged upon the annual amount thereof without deduction, subject to the provisions by which the Duties in the third Case of Schedule 2 may be charged.

On whom Duties to be charged.

Rule 28. In every case in which such Duties shall be payable out of profits brought into charge by virtue of this Act, no assessment shall be made upon the person entitled to such annuity, interest, or other annual payment, but the whole of such profits shall be charged with the said Duties on the person liable to such annual payment.

Interest from profits charged liable to deduction.

Rule 29. The person so liable to make such annual payment, whether out of the profits charged with Duties, or out of any annual payment liable to deduction, or from which a deduction shall have been made, shall be authorized to deduct out of such annual payment the Duties payable thereon under this Act.

At what rate of Duties deduction to be allowed.

Rule 30. The person to whom such payment, liable to deduction, is to be made, shall allow such deduction at the full rate of Duties hereby directed to be charged upon the receipt of the residue of the money.

Acquittance and discharge of amount of deduction.

Rule 31. The person charged to the said Duties, having made such deduction, shall be acquitted and discharged of so much money as such deduction shall amount unto, as if the amount thereof had actually been paid to the person to whom such payment shall have been due and payable.

All other interest how to be charged.

Rule 32. When any annual payment as aforesaid shall, by reason of the same being charged on any property or security not being in India or otherwise, be received or receivable without any such deduction as aforesaid, and when any such payment shall be made from profits not charged by this Act, or when any interest of money shall not be reserved or charged, or payable for the period of one year, then and in every such case there shall be charged upon such interest, annuity, or other annual payment as aforesaid, the Duties herein mentioned according to, and subject to the several provisions by which the Duties in the third Case of Schedule 2 may be charged.

Deduction on payment of interest of money and other payments from profits under Schedule 2 to be made under a certificate.

Rule 33. Whenever it shall be proved to the satisfaction of the Collector or Commissioners acting in the place where any person making the application shall reside, that any annuity, interest of money, or other annual payment shall be annually paid out of the profits *bonâ fide* accounted for and charged by virtue of this Act, at the rate and according to the Rules specified in Schedule 2, without any deduction on account thereof, it shall be lawful for the Collector or Commissioners to grant a certificate thereof under the hands of any one of them, in the form to be prescribed as aforesaid, which certificate shall entitle the person so assessed, upon payment of such annuity, interest, or other annual payment, to deduct so much thereof as a like rate on such annuity, interest, or other annual payments would amount unto. But no such certificate shall be required where such payments are to be made out of the profits arising from any land or house as before mentioned, or of any office or employment of profit, or out of any annuity, or pension, or any dividend or share in such public annuities as are herein mentioned, but such deductions in all such cases may be made without having obtained such certificate.

In what cases deductions may be made without certificate.

Rules as to Districts in which persons are chargeable.

Where Corporations, Companies, or Societies are Chargeable.

Rule 34. Every Body Corporate, Company, or Society shall be charged to the Duties contained in this Act by the Collector or Commissioners acting for the place where the head Office in India of such Body Corporate, Company, or Society is situate.

Where householders, other than persons engaged in any trade, profession, or employment, are chargeable.

Rule 35. Every person being a householder, except persons engaged in any trade, profession, or employment, shall be charged to the said Duties contained in Schedule 2 by the Collector or Commissioners acting for the place where the dwelling-house of such person shall be situate.

Where persons engaged in any trade &c., are chargeable.

Rule 36. Every person engaged in any trade, profession, or employment shall be charged to the said Duties contained in the said Schedule 2, by the Collector or Commissioners acting for each place where such trade shall be carried on or such profession or employment shall be exercised.

Rule 37. When any trade shall be carried on in India by the manufacture of goods, wares, or merchandize, the assessment thereon shall be at the place of manufacture, although the sale of such goods, wares, or merchandize shall be elsewhere.

Where manufacturers are to be assessed.

Rule 38. Every person not being a house-holder, nor engaged in any trade, profession, or employment, who shall have any place of ordinary residence, shall be charged by the Collector or Commissioners acting for the place where such person shall ordinarily reside.

Where persons, not being householders nor engaged in trade &c., are chargeable.

Rule 39. Every person not hereinbefore described shall be charged by the Collector or Commissioners acting for the place where such person shall reside at the beginning of each year.

Where persons not hereinbefore described are chargeable.

Rule 40. Every such charge shall be valid and effectual, notwithstanding the subsequent removal of the person so charged from such place.

Every charge made as aforesaid not affected by subsequent removal.

Rule 41. Every person not being engaged in any trade, profession, or employment, having two or more houses at which he shall be ordinarily resident, shall be charged by the Collector or Commissioners acting for each place where such houses shall be situate.

Persons not engaged in trade, having more than one dwelling-house, where chargeable.

Rule 42. Every person having two or more residences, or carrying on any trade, or exercising any profession or employment in different places, or in any place different from the place of his ordinary residence, shall be served with a notice in each of such places, and shall deliver in each of such places the like returns and declarations as he is required to deliver by this Act. Such person shall in each of his returns state all the places in which he carries on any trade, or exercises any profession or employment, the place of his ordinary residence, and the place where he resided at the beginning of the current year.

Persons having more than one residence, or carrying on trade in different places, shall be called on to make returns at each place.

Rule 43. The Duties to be assessed by virtue of this Act, in respect of the profits or income arising from possessions or securities out of British India, whether within any other of Her Majesty's dominions or not, shall be stated to and assessed by the Collector and Commissioners respectively acting for the place

Profits from foreign possessions to be charged in Districts where persons chargeable reside or carry on trade.

place where the person receiving or entitled to the same shall reside or carry on any trade or profession.

No person chargeable in different places to be liable to double payment.

Rule 44. No person who shall be liable to be charged in different places under this Act shall be liable to any double payment in respect of the same property or source of income.

Rules for Temporary Residents in India.

Temporary residents to be charged in respect of income and profits out of India after six months' residence, but not before.

Rule 45. No person who shall, on or after the passing of this Act, be in India for some temporary purpose only, and not with any view or intent of residing therein for a period exceeding six months in the whole from the commencement of such residence, and who shall not actually have resided in India at one time or at several times for a period equal in the whole to six months in any one year, shall be charged with the Duties mentioned in Schedule 2 as a person residing in India in respect of the profits or income received from or out of any possessions, property, or securities, not being in India, or from any trade, profession, or employment not carried on in India.

Duties where and for what year chargeable.

Rule 46. Every such person, if he shall actually reside or remain in India for such period as aforesaid, shall be chargeable to the said Duties in the place in which he shall reside or be, for the year commencing on the 1st day of August preceding

Persons quitting and returning to India and completing within the year of assessment a residence of six months, liable for the whole year.

Rule 47. Every such person who, having quitted India as aforesaid, shall return to India and complete within the year of assessment a residence of six months, shall be chargeable to the said Duties in the place wherein he shall reside or be, as a person residing in India, for the whole of the year in which such assessment shall have been made.

General Rule.

Returns and declarations may be delivered sealed, but superscribed with name and address of the party.

Rule 48. All returns and declarations, containing the amount of profits or income charged under Schedule 1, may be delivered sealed up, if superscribed with the name and place of abode of, or place of exercising the profession or employment, or carrying on trade by the person by whom the same shall have been made.

PART IX.

PART IX.

Rules under Schedule 3.

Assessment of Duties under Schedule 3.

XCIX. The Duties hereby imposed contained in the Schedule marked 3 shall be assessed and charged under the following Rules, that is to say:—

SCHEDULE 3.

Duties to be paid to Officers entrusted with payment of interest or annuities.

Rule 1. The said last-mentioned Duties shall be assessed by the Ex-Officio and Special Assessors herein authorized to make the assessment on any interest, annuities, dividends, or shares of annuities charged in the said Schedule 3, and shall be deducted by the officers and persons entrusted with the payment of such interest, annuities, dividends, or shares of annuities on behalf of the persons entitled thereto. Such Duties shall extend to all interest, annuities, dividends, or shares of annuities whatever payable in India, out of any public revenue, which shall become due on or after the 1st day of August 1860.

Government Promissory Notes enfaced for payment of interest out of India.

Rule 2. All Promissory Notes of the Government of India which shall be enfaced for payment of the interest thereon out of India either by Drafts or Bills on India or otherwise, shall in all cases be enfaced subject to the condition that the amount of any Duties which may at any time be chargeable in India in respect of such interest, shall be deducted therefrom at the place where the interest shall be paid, or the Drafts or Bills shall be given.

Officers entrusted with payment of interest to set apart and retain Duties.

Rule 3. The officers and persons entrusted with the payment of the said interest, annuities, dividends, or shares of annuities shall set apart and retain the amount of Duties so assessed on the interest, annuities, dividends, and shares for the purposes of this Act.

Such setting apart and retention to be deemed a payment.

Rule 4. Every such setting apart and retaining of the said Duties shall be deemed a payment thereof by, or on the behalf of, the persons entitled to the said interest, annuities, dividends, and shares of annuities respectively.

Rule 5.

Rule 5. All persons are hereby required, on receipt of the residue of the said interest, annuities, dividends, and shares of annuities over and above the Duties so assessed, to allow such payment in respect of the said assessment.

Such payment to be made on receipt of residue.

Rule 6. The officers and persons entrusted as aforesaid, and the Secretary of State in Council, and all persons responsible for the due payment of such interest, annuities, dividends, and shares of annuities, shall be acquitted and discharged of and from so much money so set apart and retained as aforesaid, as if the same had actually been paid to the persons to whom such interest, annuities, dividends, and shares did, or might belong, or were by law payable.

Acquittance and discharge in respect of such payments.

PART X.

Rules under Schedule 4.

C. The Duties hereby imposed, contained in the Schedule marked 4, shall be assessed and charged under the Rules hereinafter mentioned; and the said Duties shall be annually charged on the persons respectively holding or exercising the offices or employments of profit mentioned in Schedule 4, or to whom the annuities, pensions, or salaries mentioned in the said Schedule shall be payable. The Duties in respect of every annuity, pension, or salary shall be assessed upon the amount of such annuity, pension, or salary, and the Duties in respect of every office or employment shall be assessed upon the amount of all salaries, fees, commissions, or other profits accruing by reason of such office or employment, whether the same be paid by Government, or received from any other person whatever, or be deducted by the person holding such office or employment from any funds in his possession.

Assessment of Duties under Schedule 4 on salaries, perquisites, or profits of offices, annuities, salaries, and pensions.

CASE 1.—*Public offices, and employments; and annuities, pensions, and salaries payable by the Government of India.*

Rule 1. Every assessment in respect of every such annuity, and pension, and salary, and every assessment in respect of every salary or payment made by Government to any public officer, shall in cases requiring audit be made at the time of audit, and in all other cases at the time of payment.

Assessment when to be made.

Rule 2.

Rule 2. The said Duties shall be paid on the profits or income arising from any public office or employment of the description hereinafter mentioned, or arising to any of the officers hereinafter mentioned when serving in India.

Descriptions of offices charged.

(1.) Any office or employment held under the Government, or the salary whereof, or emoluments attached whereto, are payable by the Government, or out of any public revenue in India.

(2.) Any Commissioned Officer belonging to Her Majesty's Army or to Her Majesty's Indian Forces.

(3.) Any Commissioned Officer in Her Majesty's Navy, in respect of any emoluments received by him from the Government of India.

(4.) Any Commissioned Officer in the Indian Naval Forces of Her Majesty, or in the Marine Establishment.

(5.) Any office or employment of profit held in any Court of Justice.

(6.) Any office or employment of profit under any public institution, or on any public foundation, of whatever nature, or for whatever purpose the same may be established.

(7.) And every other public office or employment of profit of a public nature.

Rule 3. Every public officer chargeable under Schedule 4 of this Act in respect of any fees, commissions, perquisites, or profit not being salaries to be assessed under Rule 1, shall be subject to and shall be assessed under the provisions of the 4th Part of this Act, and such fees, commissions, perquisites, and profits shall be estimated on the receipts in respect thereof during the preceding year ending on the 30th of April, or on any other day on which the accounts of such fees, commissions, perquisites, and profits have been usually made up.

Fees or perquisites to be estimated on profits of preceding year.

CASE 2.—*Rules for offices or employments of profit under any Company in India.*

Rule 4. When the salaries, perquisites, or profits of any person chargeable with the Duties under Schedule 4 shall arise from any office or employment of profit under any Company in India,

Assessment by whom to be made.

India, in whose employment the person chargeable shall be, the assessment shall be made by an Assessor who shall be specially entrusted with the duty of making such assessment by the Collector or Commissioners of the place where such Company shall have its head office.

Persons assessed for offices to be deemed to have exercised the same at the head office.

Rule 5. Every person holding any office or employment in or under any Company in India as aforesaid, shall be deemed to have exercised the same at the head office in India of the Company under which such office or employment shall be held, and shall be assessed for such office or employment, as if exercised at such office, although the duties of such office or employment shall be performed, or any part of the profits arising from such office or employment shall be payable elsewhere, whether within or out of India.

Assessor to prepare an abstract of assessments.

Rule 6. The Assessor appointed to make assessments under these Rules shall, as soon as such assessment is completed, make an abstract of the same in the form to be prescribed as aforesaid, and shall forward such abstract to the Collector or Commissioners of the place where such head office is held, and shall deliver a copy of the same at such head office. If the Assessor be not satisfied with the return made on behalf of such Company by the Treasurer or other officer making the same under Sections LXXXIX and XCI of this Act, he shall enter his remarks thereon in the said abstract, and shall further assess the officers employed by such Company at such rate as he shall think right. Thereupon the same proceedings shall be taken by the Collector and Commissioners as in the case of individual returns as hereinbefore provided.

Duties where and how payable.

Rule 7. The Duties payable on all such assessments shall be paid at the head office in India of such Company, by the Treasurer or other officer of such Company, whose duty it is to pay the salaries of such Company at such office.

Full value of offices to be stated, although exemption claimed.

Rule 8. When any person holding any such office or employment, in or under any Company in India, shall claim to be exempt from such assessment, the Assessor shall nevertheless set down in such assessment the name of such person, and the full and just annual value of his office or employment, and the claim to such exemption shall be preferred to and examined by the Collector or Commissioners, and

and the merits thereof shall be heard and determined by the Collector or Commissioners under the regulations of this Act with respect to other assessments.

Rule 9. The Collector or Commissioners shall cause the like duplicate to be made of the said assessments and delivered to collecting officers with like warrants to collect the said Duties, as are by this Act directed to be given to collecting officers for any Districts.

Commissioners to deliver duplicates of assessments to collecting officers.

Rule 10. When the Duties hereby chargeable upon any office or employment of profit cannot be detained and stopped according to the provisions of the following Rule 11, or the amount of such Duties shall have been paid over to the person holding or exercising the said office or employment, and such person shall refuse or neglect to pay the sum of money charged upon him, the Assessor for assessing the Duties on the said offices shall certify in writing to the Collector or Commissioners such neglect or refusal, and the sum payable by virtue of this Act. The collecting officer thereupon shall levy the said Duties by the like ways and means, and under the like powers as are herein provided in regard to the Duties under Schedules 1 and 2, and as if such officer or person were charged to the said Duties in such District.

Duties on offices which cannot be stopped, to be certified in case of non-payment.

Collecting officer to levy the Duties.

CASE 3.—*Rules applicable to both Cases.*

Rule 11. The sums assessed under the foregoing Sections shall be stopped out of any money which shall be payable to the persons assessed in respect of any salaries, perquisites, profits, and pensions so assessed or the arrears thereof.

Assessment how to be enforced.

Rule 12. In estimating the Duties payable for any such office or employment of profit, or on any annuity, pension, or salary, all official deductions and payments made upon the receipt of the salaries, perquisites, and profits thereof, or in passing the accounts belonging to such office, or upon the receipt of such annuity, pension, or salary, shall be deducted.

No Duties on account of official deductions from salaries, &c.

Public officers becoming entitled to increased salaries to be charged for the same by supplemental assessment.

Rule 13. When any person, holding any office or employment of profit in respect of which he is liable under these Rules, shall, at any time during or in respect of any year of assessment, become entitled to any additional salary, perquisite, or profits beyond the amount for which any assessment may have been made upon him, or beyond the amount for which, at the commencement of such year, he may have been liable to be assessed, an additional assessment shall, from time to time, as often as the case shall require, be made upon such person for such additional salary, perquisite, or profits, so that he shall be assessed and charged for the full amount of the whole of the salary, fees, and emoluments, which he shall receive or become entitled to at any time, and from time to time, during or in respect of the said year of assessment.

Duties charged on sums payable to any other person to be deducted out of the same.

Rule 14. Such portion of the said Duties under Schedule 4 on offices or employments of profit, or on annuities, pensions, or salaries as is charged upon any sum of money payable to any other person, shall be deducted out of the sum payable to such other person; and such person, his agent, or receiver, shall allow such deductions and payments upon receipt of the residue of such sums.

Duties paid by the principal in an office upon salary paid to a deputy or clerk to be deducted out of such salary.

Rule 15. Such portion of the Duties as shall be charged on any office or employment of profit executed by any deputy or clerk, or other person employed under the principal in such office, and paid by such principal out of the salary or profits of such principal, shall be deducted out of the salary or profits so payable, and all such deputies, clerks, and other persons so employed shall allow to their respective principals such deductions and payments upon the receipt of the residue of such salaries or wages.

Deputy to pay for principal when in receipt of the profits.

Rule 16. If any office or employment of profit chargeable by Schedule 4 shall be executed by deputy, such deputy shall, in all cases where he shall be in the receipt of the profits thereof, be answerable for and shall pay such Duties as shall be charged thereon, and deduct the same out of the profits of such office or employment.

Rule 17.

Rule 17. When the salaries, fees, or profits of any officer or officers chargeable under this Schedule shall be receivable by any one or more of the said officers for the use of such officers, to be divided amongst such officers in certain proportions, the officer or officers receiving such salaries, fees, or profits shall be answerable for the Duties charged thereon, and shall pay and deduct the same out of the funds provided for such respective offices or employments before any division or apportionment thereof.

Officers receiving salaries or fees to be answerable for Duties.

Rule 18. Such portion of the said Duties as shall be stopped and deducted under this Schedule shall be stopped and deducted at such times in each year as the said sums shall be payable to the person entitled thereto.

Duties when to be deducted.

PART XI.

Discretionary modes of Assessment in particular Districts.

CI. Except in the Presidency Towns and Stations of the Straits Settlement, it shall be lawful for the local Government, from time to time, to order that the assessment under Schedule 1 or Schedule 2 of this Act, in any part of the territories under such Government, or among any class of inhabitants of any part of such territories, or in respect of any one or more of the inhabitants of such territories, shall be made by Punchayet, to consist of not less than three persons, or by the Collector or by any officer whom such local Government shall specially appoint for the purpose.

Assessment by whom to be made in places other than the Presidency Towns or Straits Settlement.

CII. When the assessment is ordered to be made by Punchayet, the Members of the Punchayet shall be appointed by the Collector or by any Deputy Collector specially authorized to make assessments under Section XXII of this Act.

Appointment of Punchayet.

CIII. If the assessment is ordered to be made by the Collector or other officer aforesaid, such Collector or other officer shall be guided in making the assessment by the general provisions of this Act, and all returns of profit and income, or other returns required by this Act, shall be made to such Collector or other officer.

When Collector &c. is ordered to make assessments.

CIV. If

If any person object to be assessed by Punchayet.

CIV. If any person residing in any place in which the assessment is ordered to be made by Punchayet shall, before any proceedings are taken by the Punchayet, object to be assessed by Punchayet, such person shall be assessed by the Collector or by any officer specially appointed as aforesaid under the ordinary provisions of this Act, as if no such order for assessment by Punchayet had been made.

Collector may require Punchayet to re-consider and revise assessment.

CV. If the Collector shall not be satisfied with the assessment made by the Punchayet, he may require the Punchayet to re-consider and revise the same.

If the Collector be dissatisfied, the assessment shall be made according to the ordinary provisions of this Act.

CVI. If the Collector shall not be satisfied with the assessment made by the Punchayet after he shall have required them to re-consider the same, or if the Punchayet shall refuse or neglect to revise and alter the same to the satisfaction of the Collector, the Collector shall certify that he is dissatisfied with the assessment made, and thereupon no further proceedings shall be held under the said order; but the several persons in the territories affected by such order, and chargeable with the said Duties, shall be assessed to the said Duties in the manner prescribed in and according to the ordinary provisions of this Act, and shall be liable to make all the returns and declarations, and to do the several acts and things in order to the said assessment and shall be subject to the same proceedings as in this Act provided, as if no such order had been made.

Collector, if satisfied, shall confirm the assessment.

CVII. If the Collector shall be satisfied with the assessment made by the Punchayet as aforesaid, he shall confirm the same, and shall cause proclamation to be made in the part of the District where the persons affected thereby reside, that he has confirmed the said assessment.

Such confirmation shall be final and conclusive, except in cases of appeal or fraud.

CVIII. The assessment so confirmed shall be final and conclusive, unless the same shall be disallowed or varied upon any such appeal or further proceeding as hereafter mentioned, and the assessment shall also be subject to be surcharged in respect of fraud, as provided in this Act.

PART XII.

PART XII.

Appeals from Assessment by Punchayets.

Persons dissatisfied may appeal within fifteen days.

CIX. If any person assessed by a Punchayet shall be dissatisfied with the assessment, such person may, within fifteen days after the proclamation of the said assessment in the part of the District in which such person shall reside at the time of the assessment, or within such further period as the Collector for any special reason may allow, appeal to the Collector of the District.

Proceedings upon appeal shall be according to Part IV of this Act.

CX. The appeal shall be made and the proceedings upon any such appeal shall be conducted according to the provisions of Part IV of this Act.

Appellant required to do certain acts.

CXI. The person so appealing shall make all such returns and declarations, and shall do all such acts and things as are required by Part IV of this Act, and shall be subject to the several provisions in the said Part IV of this Act.

Collector, if satisfied upon such appeal, shall reduce the assessment.

CXII. If, upon the hearing of such appeal, the Collector is satisfied that the assessment upon the person appealing is erroneous and excessive, the Collector shall reduce the assessment on such person, and shall settle in what sum the person so appealing ought to be assessed, and make an assessment on him accordingly. Such assessment shall be final and conclusive, subject only to such surcharge in the case of fraud as provided in this Act.

Collector, if dissatisfied, shall dismiss the appeal, and may charge double assessment.

CXIII. If, upon the hearing of such appeal, the person so appealing shall not satisfy the Collector that the assessment upon him is erroneous and excessive, his appeal shall be dismissed, and if it shall appear to the Collector that the appeal is frivolous or vexatious, the party appealing shall be liable to be charged by the Collector to the said Duty in a sum not exceeding double the amount at which he was assessed under the said assessment.

Members of Punchayets may attend before the Collector and support their assessment when appealed from.

CXIV. In all cases of appeal, it shall be lawful for the members of the Punchayet from whose assessment the appeal shall have been preferred, or any of them, to attend before the Collector and to support their assessment, and the Collector may summon the members of the Punchayet to attend for such purpose.

CXV. It

CXV. It shall be lawful for the local Government, from time to time, to make Rules not inconsistent with the provisions of this Act for carrying out the provisions of this Act, for assessment by Punchayet, and disposing of appeals from such assessment.

Local Government to make Regulations for the execution of this Act.

PART XIII.

Exemptions.

CXVI. No person shall be chargeable to any Duty under this Act, who shall prove to the satisfaction of the Collector or Commissioners, in the manner hereinafter mentioned, that the aggregate amount of his annual income or profits, from whatever source derived, estimated under the Rules of this Act, is less than two hundred Rupees. Any person so satisfying the Collector or Commissioners as aforesaid shall be entitled to be repaid the amount of any deduction or payment on account thereof, in the manner hereinafter directed, except so much of such Duty as the person claiming such exemption shall be entitled to charge against any other person, or to retain from any payment to which such claimant may be liable.

Exemption of persons whose income is less than two hundred Rupees yearly.

CXVII. No person who shall prove to the satisfaction of the Collector or Commissioners that the aggregate amount of his profits or income, from whatever source derived, estimated as aforesaid, though amounting to two hundred Rupees a year, is less than five hundred Rupees, shall be charged with more than two Rupees of every hundred Rupees of the annual value of his profit or income, or shall be charged with any part of the Duty of one Rupee per centum chargeable under Section III of this Act for roads, canals, and other reproductive public works. Any person so satisfying the Collector or Commissioners, as aforesaid, shall be entitled to be repaid the amount of any deduction or payment on account of the said Duty of one per cent, or of the excess of the said Duty of three per cent., from which he shall be so exempted as aforesaid, except as in the last preceding Section of this Act is excepted.

Exemption of persons from the Duty of 1 per cent and from excess above 2 per cent. whose income is less then five hundred Rupees yearly.

CXVIII. The exemption allowed by the foregoing Sections shall be claimed and proved, and all proceedings thereupon shall be had, before the Collector or Commissioners of the place where the claimant is charged, whether such claimant shall be personally charged in such place or not.

Claims for exemption in the preceding Sections mentioned, and proceedings thereon, shall be determined before Collector or Commissioners.

CXIX. Every

Persons entitled to such exemptions shall deliver to the Assessor a statement, stating the source of income.

CXIX. Every person assessed under this Act claiming to be entitled to such exemption as aforesaid shall, within the time to be limited as hereinbefore directed for delivering in the returns and declarations required by this Act, or within such further time as the Collector or Commissioners respectively shall for special cause assigned allow, deliver or cause to be delivered to the Assessor of the place where such claimant shall reside, a notice of his claim to such exemption, together with a declaration signed by such claimant and in such form as shall be prescribed as aforesaid, declaring and setting forth therein all the particular sources from whence the income of such claimant shall arise, and the particular amount arising from each source, and also every sum of annual interest or other annual payment reserved or charged thereon, whereby the income shall or may be diminished, and also every sum which such claimant may have charged, or may be entitled to charge against any other person, on account of the Duties made payable by this Act, or which he may have deducted or may be entitled to deduct under the authority of this Act, from any payment to which he may be liable.

Assessor to transmit such statement to Collector or Commissioners.

CXX. The Assessor shall transmit such return and declaration to the Collector or Commissioners.

Property of persons claiming such exemption in any other District, shall be exempted on the certificate of the Collector, or by the Chief Revenue Authority of the District.

CXXI. If it shall appear to the said Collector or Commissioners that any property or profits of such person is or are assessed, or liable to be assessed in any other place, the Collector or Commissioners shall certify to the Chief Revenue Authority of the Presidency, Lieutenant-Governorship, or Province, in such form as shall be prescribed as aforesaid, the allowance of exemption in respect of such property or profits; and the Chief Revenue Authority shall direct the assessment made upon any profits or income of such claimant, in any other place, to be discharged either wholly or to the extent of such excess, as aforesaid, as the case may require, and the same shall be discharged accordingly.

On proof that persons entitled to exemption have been charged with Duties by the deduction from any annuity, dividend, and rent, Commissioners to grant certificate thereof, which shall authorize the Collector to re-pay the amount of such Duties.

CXXII. If it shall be proved to the satisfaction of the Collector or Commissioners, that any person, whose claim to exemption has been allowed in manner aforesaid, has been charged to and has paid any Duty under this Act by way of deduction from any rent, annuity, interest, or other annual payment to which he may be entitled, and from which a deduction is authorized to be made by this Act; or that such person has been assessed and has paid such Duty in respect of any interest,

interest, annuity, dividend, pension, or salary payable to him out of the public revenue, in such case it shall be lawful for the said Collector or Commissioners respectively, to certify what shall have been so proved, and thereupon the same shall be repaid in such manner and under such rules as the local Government shall from time to time prescribe.

In case of incomes of offices, pensions, and salaries, the claim shall be made before the Assessors.

CXXIII. When the whole profit or income of the claimant shall arise from an office or employment of profit, or from an annuity, pension, or salary, the assessment on which is made by an Ex-Officio or Special Assessor, the claim to such exemption shall be made to and may be allowed by such Ex-Officio or Special Assessor.

Persons out of British India may claim by affidavit.

CXXIV. If the claimant shall be out of India, an affidavit stating the several matters required by this Act, taken before any person having authority to administer oaths and affirmations in the place where such claimant shall reside, may be received in relation to the assessment on which such claim is founded.

Claims may be made by Agents or Trustees on account of others.

CXXV. A claim for exemption may be made by a guardian, trustee, agent, or factor, on account of others, in any case where satisfactory proof shall be given that the party claiming such exemption is unable to attend in person, or such claim may be made by the several persons acting in any of the characters hereinbefore described in such manner as they may act for others for the purpose of being assessed on their account in the first instance, as hereinbefore directed.

All Government property exempted.

CXXVI. No person shall be chargeable to the Duties under this Act in respect of the profits derived by Government from any property, real or personal, vested in, or held in trust for the Government, or the Secretary of State for India in Council, for public purposes; and all such profits shall be wholly exempted from the said Duties.

Officers and Soldiers of any Military or Police Force, whose pay and allowances are less than those of a Captain of Infantry, exempted.

CXXVII. Officers, Non-Commissioned Officers, and Privates of Her Majesty's Forces, or of Her Majesty's Indian Military Forces, or of any Military Police or other Police Force, whose pay and allowances shall be less than the pay and allowances of a Captain of Infantry in Her Majesty's Forces in India, shall be wholly

be wholly exempted from the said Duties in respect of any pay or allowance which they may receive from Her Majesty, or from the Government, or from any public Revenue.

Naval and Marine Officers not above the rank of Lieutenant, exempted.

CXXVIII. Officers of Her Majesty's Navy or of the Indian Naval forces, or in the employment of Government in the Marine Department not above the rank of Lieutenant, and all Warrant and Petty Officers and Seamen shall in like manner be exempted from the said Duties.

Public Officers exempted in respect of travelling and other allowances.

CXXIX. Public Officers, Civil, Military, or Naval, shall be wholly exempted from the said Duties in respect of any allowance received by any such Officer for travelling expenses, contract allowances, tent or horse allowance, or any allowance in lieu of house-rent, or to meet any disbursement for the public service.

Ryots &c. paying less than 600 Rupees yearly, exempted.

CXXX. Ryots and persons in the occupation of lands for agricultural purposes and actually engaged in the cultivation and depasturing of the same, shall not be chargeable with the said Duty in respect only of the occupation of such lands, unless the rent paid by such ryots or persons in respect of such occupation, whether under direct engagement for the same with Government or not, shall amount at least to six hundred Rupees per annum, or unless the full annual value of such land at a rack rent shall exceed that amount.

Persons occupying houses at a rack rent, exempted.

CXXXI. Persons occupying houses for the purpose of habitation only, and holding the same at a rack rent, shall not be chargeable with the said Duties in respect of their occupation only of such houses.

Deduction on account of repairs of house.

CXXXII. The Assessor in his assessment of houses actually occupied shall deduct such amount for repairs as the owners thereof shall prove to his satisfaction to have been expended, not exceeding a sum equal to the rent of such houses for six months in every three years.

Power to exempt property used for charitable purposes or public religious purposes.

CXXXIII. It shall be lawful for the local Government, subject to the approval of the Governor-General of India in Council, to order that any property, moveable or immoveable, solely employed for or dedicated to religious or charitable public purposes,

purposes, shall be wholly or partially exempted from the Duties chargeable under this Act, and to make such orders as may be necessary for securing and carrying into effect such exemption.

Persons who have made insurance or contracted for a deferred annuity on the lives of themselves or wives, to be allowed an abatement of Duties in respect of the annual premiums or sums paid.

CXXXIV. Any person who shall have made insurance on his life, or on the life of his wife, or shall have contracted for any deferred annuity on his own life, or on the life of his wife, in or with any Insurance Company duly registered under any Act of the imperial Parliament or under any Act of the Governor-General of India in Council, or authorized by law to carry on business without registration, and any person who shall be liable to the payment of any periodical sum or to have any sum periodically deducted from his salary, in order to secure a deferred annuity to himself or to his widow, or a provision to his children after his death, shall be entitled to deduct the amount so paid by him for such insurance or contract or deducted from his salary as aforesaid, from any profits or income in respect of which he shall be liable to be assessed under any of the Schedules of this Act, excepting Schedule 3; or to have any assessment which may be made upon him under any of the said Schedules, except Schedule 3, reduced or abated by the deduction of the amount of the said annual premium or sum from the amount of the profits or income on which such assessment has been made.

Re-payment of such Duties if already paid.

CXXXV. If such person shall be assessed to Duties under any of the Schedules contained in this Act and shall have paid such assessment, or shall have paid or been charged with any of the said Duties by deduction or otherwise, such person, on claim made to the Collector or Commissioners and on production to them of the receipt for such annual payment or sums, and on proof of the fact to the satisfaction of the said Collector or Commissioners, shall be entitled to have repaid to him such proportion of the said Duties paid as the amount of the said premium or sum bears to the whole amount of his profits on which he shall be chargeable under all or any of the Schedules of this Act.

No abatement or repayment in respect of premium &c., beyond one-sixth of total profits or income.

CXXXVI. No such abatement, allowance, or repayment as aforesaid, shall be made in respect of any such premium or sum beyond one-sixth part of the whole amount of the profits and income of such person so chargeable as aforesaid, nor shall any such deduction or abatement entitle any such person to claim exemption from Duties,

Duties, on the ground of his annual profits or income being thereby reduced below two hundred Rupees, or five hundred Rupees, as the case may be.

PART XIV.

Abatement and Relief from double Assessments.

Collector or Commissioners to grant relief from double assessments.

CXXXVII. Whenever any person shall have been assessed to any of the Duties imposed by this Act, whether charged on him on his own account, or in any of the characters hereinbefore described on the behalf of any other person, and shall, by any error or mistake, be again assessed for the same cause and on the same account and for the same year, it shall be lawful for him to apply to the Collector or Commissioners acting for the place in which he shall have been so assessed, for the purpose of being relieved from such double assessment, and the Collector or Commissioners, on proof thereof to their satisfaction, shall cause such assessment or such part thereof as shall be a double charge as aforesaid to be remitted.

Governor-General in Council to prescribe rules for re-payment of double assessment.

CXXXVIII. Whenever any double assessment shall have been so remitted, it shall be lawful for the Collector or Commissioners to direct the repayment thereof in such manner and under such rules as the Governor-General of India in Council shall prescribe.

Abatement on account of diminution of income, how to be allowed.

CXXXIX. If within or at the end of the year for which any assessment shall be made under this Act, any person charged to the Duties contained in Schedule 2 shall prove to the satisfaction of the Collector or Commissioners that interest or profits during the year for which the assessment was made, fell short of the sum on which the assessment (not being a Composition) was made, it shall be lawful for the Collector or Commissioners to cause the assessment for such current year to be amended in respect of such source of profit as the case shall require; and in case the Duties charged on such assessment shall have been paid, to order the repayment of the same in such manner and under such rules as the Governor-General of India in Council shall prescribe.

CXL. If

CXL. If any person charged to the Duties under Schedule 2 shall cease to exercise the profession or employment or to carry on the trade in respect to which the assessment was made, or shall die, or become bankrupt, or insolvent, before the end of such year, or shall from any other cause be deprived of, or lose the profits on which the assessment was made, such person or his representative may make application to the Collector or Commissioners within any period not exceeding three calendar months after the end of such year, and on proof thereof to their satisfaction, the Collector or Commissioners shall cause the assessment to be amended as the case may require, and re-payment of any Duties ordered to be remitted shall be made in such manner and under such rules as the Governor-General of India in Council may prescribe.

Abatement to be allowed when persons shall cease to exercise any trade, or shall die before the end of the year.

CXLI. When any person shall have succeeded to the trade of the person charged, no such amendment shall be made, unless it shall be proved to the satisfaction of the Collector or Commissioners that the profits of such trade have fallen short from some cause, since such change took place, and by reason thereof, but such person shall be liable to the payment of the full Duty without any new assessment.

Procedure in cases of succession to the trade of a person charged.

PART XV.

Mode of Payment and Collection of the Duties.

CXLII. The Duties assessed under this Act, except where the same shall be detained and stopped as the pensions, salaries, allowances, interest, and annuities chargeable therewith become due at the respective offices, shall be payable in each year by instalments at the times following, that is to say, on or before the 1st day of November for the first quarterly instalment, on or before the 1st day of February for the second quarterly instalment, on or before the 1st day of May for the third quarterly instalment, and on or before the 1st day of August for the last quarterly instalment in each year. Provided that it shall be lawful for the local Government to prescribe such other periodical instalments and such other periods of payment as it shall think proper; and the orders of such local Government shall be notified by proclamation in the Districts to which such orders relate, in the manner usual in such Districts.

Duties to be payable by four quarterly instalments.

Proviso.

CXLIII. The

Collector or Commissioners to deliver duplicate assessment to collecting officer, which shall be sufficient authority to him to levy.

CXLIII. The Collector or Commissioners authorized to make assessments in respect of the assessments made by them shall, as soon as possible after the assessments shall have been determined, issue out and deliver to the respective collecting officers, duplicates of the assessments of the Duties charged in the respective Schedules, distinguishing the amounts charged under each of the said Schedules.

Form of duplicates.

CXLIV. Such duplicates shall, except in the cases provided for in Part XVI of this Act, contain the names and descriptions of the persons assessed and charged.

Effect of duplicates.

CXLV. Such duplicates shall be a sufficient warrant and authority to the collecting officers for the levying and collecting of the said Duties specified in the duplicates, as the same shall become payable by such instalments as aforesaid, and such collecting officers shall proceed forthwith to levy and collect the same.

Payment of Duties at any Treasury or office appointed under this Act.

CXLVI. Whenever any Treasury or office shall be appointed by the local Government for the receipt of money under this Act, the payment of the Duties chargeable under this Act may be made by or on account of the person liable to the same at such Treasury or Office.

On payment, receipt to be given.

CXLVII. Whenever any payment shall be made at such Treasury or office, or to any collecting officer, to whom a duplicate of the assessment as aforesaid shall have been delivered by the Collector, of any instalment of Duties assessed under this Act, the officer receiving the amount shall give a receipt under his hand to the person who shall pay the same, and such receipt shall be a full and complete discharge for the money so paid.

Collector or Commissioners to give general notice of appointment of Treasuries, and of Officers to whom Duties are to be paid

CXLVIII. The Collector or Commissioners shall cause general notice to be given in their respective jurisdictions, by proclamation in the manner usual therein, of the Treasuries or offices appointed by the Government for the receipt of the said Duties, and of the officers or persons to whom the said Duties may be paid.

PART XVI.

Mode of Payment of Duties under Schedule 2, when parties desire to pay according to Numbers or Letters.

Assessments under Schedule 2 to be entered in books.

CXLIX. The assessments upon profits or income under Schedule 2 made by the Collector or Commissioners, shall be entered in books with the names and descriptions of the persons to be charged therewith, and their respective places of abode set opposite thereto, which entries shall be distinguished by numbers or letters, as the Collector or Commissioners shall think proper.

Certificate of assessment to be delivered to persons.

CL. When the person charged with any Duties under Schedule 2, and whose name and description shall have been entered as aforesaid, shall have declared his intention to pay the Duties at the proper Treasury or office or to the proper officer within the time limited by this Act for payment thereof, if the Collector or Commissioners shall be satisfied with such declaration, they shall deliver to such person, or to any other person attending on his behalf, a certificate under the signature of the Collector or of two or more of the Commissioners, specifying the amount to be paid by such person for one year upon such assessment.

Certificate to be numbered and lettered.

CLI. Every such certificate shall be numbered or lettered with the same number or letter as the entry in the book to which the certificate shall relate, without naming or otherwise describing the person charged.

Effect of certificate.

CLII. Such certificate shall, on production thereof, be a sufficient authority to the officer in charge of such Treasury or office or to such collecting officer to receive from the person producing such certificate, the amount therein mentioned in such proportions thereof as by this Act are made payable by instalments, and at the times by this Act appointed for payment thereof.

Acknowledgment of payment according to certificate.

CLIII. On the payment of the sums contained in such certificate, or any proportion thereof, the said officer in charge of such Treasury or office or the collecting officer shall give an acknowledgment for the same as paid on account of the certificate

certificate of the Collector or Commissioners by the number or letter marked thereon as before directed.

Duplicates to be delivered to collecting officers, and when assessments are made under a number or letter, a warrant for receiving the Duties to be delivered.

CLIV. It shall be lawful for the Collector or Commissioners to issue out and deliver to the respective collecting officers duplicates of the assessments made by them, containing the sums assessed on every person to whom a certificate hath been delivered by letter or number, together with the number or letter set opposite thereto in their respective books before mentioned, without naming such persons, and all such sums shall be paid to the collecting officers: and such part thereof as shall not be so paid to them, may be levied and collected as herein is provided.

Duties on such assessments, where, how, and when payable.

CLV. The Duties payable on such last-mentioned assessments under Schedule 2 shall be paid at the proper Treasury or office, or to the proper officer for receipt, by such instalments as by this Act is directed, on or before the respective days appointed for the payment of the same.

Delivery of acknowledgment to Collector or Commissioners.

CLVI. The acknowledgment hereby required to be given on such payment shall be delivered to the Collector or Commissioners, before the time when the amount is hereby made payable, and the Collector or Commissioners shall grant receipt for the same. Such receipt shall be a sufficient discharge for the money so paid, in satisfaction of so much of the assessment as shall be mentioned in such certificate to be so paid.

Effect of receipt.

On default, Duties may be levied in the ordinary way.

CLVII. If any person shall neglect to pay the Duties at the time and in the manner hereby directed for payment thereof, or having paid the same, shall neglect to deliver the acknowledgment required to be given on such payment as hereinbefore directed, the Collector or Commissioners shall deliver a duplicate in the ordinary form of the assessment on any person who shall have made default in paying or accounting for the payment of the same, with his name and description, to the collecting officer, in order that he may levy the sum in arrear and unpaid, and such sums shall thereupon be levied according to the provisions hereinafter contained.

CLVIII. When

When parties are not assessed by a number or letter, Commissioners to deliver duplicate to collecting officer for collection.

CLVIII. When the Collector or Commissioners shall not have received a declaration of the intended payment to the Treasury or office of the Duties to be charged under Schedule 2, or shall not be satisfied with such declaration, they shall deliver a duplicate of the assessment to the collecting officer with the name and description of the parties charged therewith as provided in Section CXLIII of this Act.

If after declaration of intention to pay under number or letter default is made, Collector or Commissioners to deliver duplicate to collecting officer.

CLIX. If after the receipt of any such declaration, the Duties shall not be paid, the Collector or Commissioners shall cause the name of the defaulter, and the amount of Duties assessed on him, to be inserted in the duplicate assessment of the collecting officer, and such duplicate shall be of the like force and effect for collecting the sum, and such sum shall be levied as if such name and sum had been inserted therein at the time of issuing such duplicate.

PART XVII.

Recovery of Duties.

In default of payment, collecting officer may proceed to recover arrears by distress or attachment and sale of moveable and immoveable property.

CLX. Whenever the amount of any instalment of the said Duties shall not be paid by any person liable to pay the same on the day appointed for the payment of such instalment, the collecting officer shall proceed for the recovery of such instalment by distress and sale of the moveable property, or by the attachment and sale of the immoveable property of the person so making default as hereinafter provided.

Seizure and sale of moveable property to be made according to following Rules.

CLXI. In the seizure and sale of moveable property for arrears of assessment, the following rules shall be observed :—

Collector or Commissioners to furnish person distraining with a demand in writing.

1*st*.—The Collector or Commissioners shall employ a person, hereinafter called the Distraining Officer, to distrain the property, and shall furnish to such officer a demand in writing, signed by the Collector or Commissioners or by some officer empowered by him in that behalf, specifying the amount of the arrear for which the distress shall be issued, and the date on which the arrear fell due.

2*nd*.—The

2nd.—The Distraining Officer shall produce the writing as authority for making the distress, and on the day on which the property shall be distrained, shall deliver a copy of such writing to the defaulter, endorsing thereon a list or inventory of the property distrained, and the name of the place where the property may be lodged or kept.

Defaulter to be served with a copy.

3rd.—The writing shall further set forth that the distrained property will be brought to public sale within three days, unless the amount and the expense of the distress be previously discharged.

Writing to state that the distrained property will be sold.

4th—When a defaulter shall be absent, a copy of the writing, with the endorsement, shall forthwith be fixed or left at his usual place of residence.

Mode of service when defaulter is absent.

CLXII. When a defaulter, on receiving notice, shall neglect to pay the amount due, or when a defualter shall have absconded or be otherwise not forthcoming, so that the notice cannot be served upon him, the Distraining Officer shall transmit an inventory of the property distrained to the Collector or Commissioners.

Consequence of defaulter neglecting to pay after notice, or absenting himself.

CLXIII. If a defaulter, whose property has been distrained, shall before the day of sale tender payment of the arrear demanded together with payment of the necessary expenses attending the distress, the Distraining Officer shall receive the amount of the arrear and expenses, and shall forthwith release the property.

On tender of arrear and expenses prior to the day of sale, distress to be withdrawn.

CLXIV. The distress levied shall not be excessive, and the value of the property distrained shall be as nearly as possible proportionate to the amount of the arrear.

Distress to be proportionate to the arrear.

Time for distress.

CLXV. The distress shall be made after sunrise and before sunset, and not at any other time.

CLXVI. The Distraining Officer shall have power to force open any stable, cow-house, golah, granary, godown, out-house, or other building, as also to enter any dwelling-house, the outer door of which may be open, (excepting the apartments in such dwelling house

What places distrainer may force open.

 appropriated

appropriated for the zenanah or residence of women, which, by the usage of the country, are considered private,) and to break open the door of any room in such dwelling-house for the purpose of attaching property belonging to a defaulter and lodged therein.

Powers of distrainer to force open doors in the presence of a Police Officer.

CLXVII. Where a Distraining Officer shall have reason to suppose that the property of a defaulter is lodged within a dwelling-house, the outer door of which may be shut, or within any apartments appropriated to women, which by the usage of the country are considered private, such officer shall represent the same to the head officer of the Police within whose jurisdiction the house may be situated, and on such representation the head officer of the Police shall send a Police Officer to the spot, in the presence of whom the Distraining Officer may force open the outer door of such dwelling-house.

Mode of distraining within zenanahs.

CLXVIII. The Distraining Officer may also in the presence of the Police Officer, after due notice given for the removal of women within a zenanah, and after furnishing means for their removal in a suitable manner, if they be women of rank who, according to the custom of the country, cannot appear in public, enter the zenanah apartments for the purpose of distraining the defaulter's property therein; but such property, if found, shall be immediately removed from such apartments, after which they shall be left free to the former occupants.

Real property may be attached, but previous sanction of the Chief Revenue Authority of the Division necessary for the sale of immoveable property.

CLXIX. On the occurrence of an arrear, or at any subsequent period, the Collector or Commissioners shall have authority to attach at their discretion the whole or such portion of a defaulter's immoveable property as they may deem sufficient to answer the amount in arrear; but the previous sanction of the Chief Revenue Authority of the Division shall, in all cases, be necessary for the sale of immoveable property.

When Collector may sell the immoveable property in addition to the moveable property of the defaulter.

CLXX. When a defaulter shall not have any moveable property, of which distraint can be made, or when, after the moveable property of such defaulter shall have been distrained and sold, the arrear due, with all expenses of the distress and sale is not liquidated by the proceeds of such sale, the Collector or Commissioners may, with such sanction as aforesaid, proceed to sell the immoveable property of the defaulter.

CLXXI. The

Proclamation to be made of the time of sale and of the property to be sold.

CLXXI. The person or officer employed by the Collector or Commissioners to sell moveable property distrained, or immoveable property attached under this Act, shall cause to be affixed to the outer door of the defaulter's house a list of the property to be sold, with a notice specifying the place where, and the day and hour at which the property will be sold, and shall cause proclamation of the intended sale to be made in the manner usual in the District in such place or places as the Collector or Commissioners may consider necessary to give due publicity to the sale.

No sale of such property to take place till after fifteen days.

CLXXII. No sale of immoveable property shall take place until after the expiration of a period of fifteen days from the date on which the notice may be so affixed.

Sale how to be conducted.

CLXXIII. At the appointed time, the property, moveable or immoveable, shall be put up for sale under the order of the Collector or Commissioners in one or more lots, as the Collector or Commissioners or the Officer employed by them in that behalf shall direct, and shall be sold to the highest bidder.

Property to be paid for before removal.

CLXXIV. The property shall be paid for in ready money at the time of sale or as soon after as the Officer holding the sale shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for the same. When the purchaser shall make default in the payment of the purchase money the property shall be re-sold and the defaulting purchaser shall make good to the Distraining Officer any loss arising on such re-sale as well as the expenses attending the same.

Re-sale.

Payment of excess of sale proceeds to defaulter.

CLXXV. When the property shall be sold for more than the amount of the arrear, the excess, after deducting expenses of process, shall be paid to the defaulter.

If no distress can be found on land or house chargeable to Duties at time of payment.

CLXXVI. In case any land or house chargeable to Duties under this Act shall be unoccupied and no distress can be found on the same at the time such Duty shall be payable, it shall be lawful for the Collector or Commissioners or for any other Officer duly authorized in that behalf, at any time after to enter the said land or house when

when there shall be any distress thereupon to be found and the said distress to seize and sell under the like powers as he might have distrained on the same land or house at the time the Duties became due if in the occupation of the same person.

Arrears to be levied by distress in the District where the party resides.

CLXXVII. If any person assessed to the Duties charged under this Act shall remove out of the District in which he shall have been assessed, without first paying or discharging all the Duties charged upon him which shall be due, and without leaving in such District sufficient property whence the whole of the said Duties may be raised and levied; or if any person shall reside in any other District than that in which the assessment or charge shall be made on him in pursuance of this Act, and the same shall be in arrear and unsatisfied in the whole or in part, it shall be lawful for the Collector or Commissioners to certify to the Collector or Commissioners of the District within which such person shall reside, the amount of the assessment or charge made upon such person, and remaining in arrear, and unpaid as aforesaid.

Mode of levying.

CLXXVIII. Such last-mentioned Collector or Commissioners shall thereupon cause the whole of the Duties so remaining in arrear and unpaid as aforesaid to be levied, together with the costs and charges attending, in the same manner as if the said person had been assessed in the District of the said last-mentioned Collector or Commissioners.

Fees upon distraints according to a scale to be prescribed by local Government.

CLXXIX. The fees payable upon distraints or attachments under this Act shall be according to a scale which shall be prescribed by the local Government.

Instead of proceeding by distress, Collector or Commissioners may issue warrant.

CLXXX. Instead of proceeding by distress and sale, or by attachment and sale, or in case of failure to realise thereby the whole or any part of the Duties assessed and payable under this Act, the Collector or Commissioners may, if they think fit, issue a warrant for the arrest of such defaulter. Upon such warrant the officer charged with the execution thereof shall bring the defaulter with all convenient speed before such Collector or Commissioners. If the defaulter shall not then deposit in the hands of the Collector or Commissioners the full amount of the arrears of Duties under this Act due and payable at the time of issuing such warrant,

warrant, or make such arrangement for the payment of the same as shall be satisfactory to the Collector or Commissioners, or satisfy the Collector or Commissioners that he has no present means of paying the arrears and that he has a reasonable excuse for not having paid, such Collector or Commissioners may send him to the Civil Jail, there to remain for such time as shall be directed by a warrant addressed to the keeper of the Jail, unless he shall in the meantime pay the full amount of the said arrears. Provided that the time for which a debtor may be confined in Jail under such warrant shall not exceed three calendar months when the amount of such arrears shall not exceed fifty Rupees, or six calendar months when such amount does not exceed five hundred Rupees, or two years in any other case. Provided also that such imprisonment shall not extinguish the liability to pay such arrears, but all property then belonging to the defaulter or afterwards acquired shall be liable to be distrained or attached under the provisions of this Act, in satisfaction of such arrears, or of so much thereof as shall remain unpaid as if no imprisonment had been ordered.

Procedure in Presidency Towns as to claims to moveable property distrained.

CLXXXI. If any claim shall be made in any Presidency Town to or in respect of any moveable property distrained under this Act, or in respect of the proceeds thereof, by any person not being the party chargeable with the Duties in respect of which such distress or attachment is made, such claim shall be certified by the Commissioners of such Presidency Town to the Small Cause Court, and thereupon such proceedings shall be taken for deciding the same as if the property had been taken in execution under process of such Court and such property had then been claimed by some person not being the party against whom the process issued.

Procedure in Straits Settlement.

CLXXXII. If in any Station of the Straits Settlement a like claim shall be made in respect of any such moveable property distrained as aforesaid, such claim shall be certified by the Commissioners of such Station to the Court of Judicature thereof, and such claim shall thereupon be heard and determined in a summary way by such Court or by any Division of such Court at their General and Quarter Sessions or otherwise.

Procedure in other places.

CLXXXIII. If in any district or place other than a Presidency Town or a Station in the Straits Settlement such claim as aforesaid shall be made to such moveable property distrained as aforesaid, such claim shall be heard and determined in a summary way by the Collector.

CLXXXIV. If any

Procedure as to claims to immoveable property.

CLXXXIV. If any claim shall be made to or in respect of any immoveable property attached under the provisions of this Act, the claimant shall deposit in the hands of the Collector or Commissioners the amount of the Duties in respect of which the attachment was issued, or give security to the Collector or Commissioners for the payment of the same in the event of his not establishing his right in a Civil suit. The sale shall be stayed pending such suit. Such suit shall be commenced within one year from the date of the attachment, and unless it be brought within such period the suit shall not be entertained. In the event of the claimant failing to establish his claim, if any deposit shall have been made, it shall be forfeited in satisfaction of the Duties, and if security shall have been given, the amount shall be levied in the manner provided for arrears of Duties under this Act.

Government claim shall have priority over all private claims.

CLXXXV. The claim of the Government for all sums payable for the said Duties shall have priority over all private claims, arising after the said Duties accrued due, upon any immoveable property attached, or upon any moveable property distrained upon under this Act. Provided that if the property attached be itself the subject of the assessment in respect of which the attachment shall have issued, the claim of the Government for the arrears due on the said assessment shall have priority over all private claims.

Goods of defaulters are not to be removed under any execution or assignment, until all Duties are paid.

CLXXXVI. No goods or chattels shall be liable to be taken by virtue of any execution or other process, warrant, or authority, or by virtue of any assignment, or on any pretence whatever, unless the person at whose suit the execution or seizure shall be sued out or made, or to whom such assignment shall be made, shall, before the sale or removal of such goods and chattels, pay or cause to be paid to the proper officer all arrears of the said Duties which shall be due by the judgment-debtor or assignors at the time of seizing such goods or chattels, or which shall be payable for the year in which such seizure shall be made, provided that the said Duties shall not be claimed under this Section for more than one year.

Parents and guardians liable for infants, and representative for person dying.

CLXXXVII. When any person chargeable with the Duties hereby made payable as aforesaid, shall be a minor, or when any person so chargeable shall die, in every such case the parent or guardian of such infant, upon default of payment by him,

him, or the representative of the person so dying, shall be liable to the amount of the assets received, for the payments which the said infant ought to have made, or the person so dying was chargeable with, and if such parent or guardian, or such representative, shall neglect or refuse to pay as aforesaid, it shall be lawful to proceed against them in like manner as against any other person making default of payment of the said Duties; and the parent or guardian making payments as aforesaid shall be allowed every sum paid for such infant in his accounts, and all representatives shall be allowed to deduct all such payments out of the assets of the person so dying.

Priority of Government claims.

CLXXXVIII. The claim of the Government for all sums payable for the said Duties shall have priority over all private claims in administering the assets of any deceased person by his representative, or of any bankrupt or insolvent by his assignee, provided that the said Duties shall not be claimed under this Section for more than one year.

Where the Act shall not come into operation before the time for payment of any instalments shall fall due, Commissioners to adjust times of payment.

CLXXXIX. If this Act shall not come into operation in any district previous to the time appointed for the payment of the first, or any subsequent instalment of the said Duties, or within the year of assessment, it shall be lawful for the Collector or Commissioners executing this Act, who shall have made or allowed any assessment after the period appointed for any such payment, (which they are hereby declared to be competent to do,) from time to time, when the same shall be necessary, to settle and adjust at what time any instalment of which the time for payment shall then have elapsed, shall be paid, in such manner as to them shall appear just and reasonable.

PART XVIII.

Application of the Duties.

All the Duties to be paid in the first instance into the Government Treasury to an account to be headed Income Tax Account.

CXC. All monies arising from the Duties hereby imposed shall be paid into such of the Treasuries of Her Majesty's Government in India as the local Government shall from time to time direct, to an account to be headed Income Tax Account.

CXCI. A separate

A separate account to be kept at the Treasury of the 1 per-cent. Duty.

CXCI. A separate account shall be kept at the said Treasuries of all sums paid in on account of the said one per cent. Duty.

A separate account to be kept of the 1 per-cent Duty paid in Presidency Towns and Straits Settlement, &c.

CXCII. A separate account shall also be kept of such sums paid in on account of the said one per-cent Duty, as shall have been assessed upon persons residing in, or carrying on business in or upon any house or land in any Presidency Town or any Station in the Straits Settlement or in any district.

Special appropriation of the 1 per-cent Duty.

CXCIII. A separate account shall be kept of the Duty paid in respect to the said one per-cent Duty which shall accrue from the dividends or interest paid upon the Government debt and from the salaries of public officers, and from the profits of any Railway or other public Company whose profits shall be derived from different parts of India or of which any part of the profits is derived from a place other than that at which its head Office is situate. The amount comprised in such account of the one per-cent Duty shall be appropriated to the different Governments in India, to be applied according to their discretion for the execution of roads, canals, or other reproductive public works which have been duly sanctioned. Such appropriation shall be made to each local Government in the proportion in which each Presidency or Lieutenant-Governorship or Province under a Chief Commissioner shall contribute to the whole amount of the Duty raised under this Act.

Appropriation of residue of the 1 per-cent Duty.

CXCIV. The whole of the residue of the sums derived from the said one per cent Duty shall be appropriated to each Presidency, Lieutenant-Governorship, and Province, to the extent contributed by such Presidency, Lieutenant-Governorship, and Province, and shall be expended by the local Government and Chief Commissioners thereof in roads, canals, or other reproductive public works duly sanctioned as aforesaid, in the various Districts under them, as nearly as may be in proportion to the respective contributions of such Districts thereto.

PART XIX.

Penalties.

Penalty on collecting officers for misconduct in office.

CXCV. If any officer employed to receive or collect any Duties under this Act:—1*stly*—shall fraudulently collect or attempt to collect any money on account of Duties under this Act from any person not charged or chargeable therewith; or

2*ndly*.—Shall

2ndly.—Shall fraudulently receive or collect, or attempt to receive or collect, from any person more money than is actually charged against such person upon his assessment; or

3rdly.—Shall receive or collect any money whatsoever under color of this Act, and not pay over and account for the whole of such money; or

4thly.—If any such officer employed or authorized to serve any notice, or to make any distress, attachment, or sale under this Act, shall extort or obtain or attempt to extort or obtain, any sum of money or valuable thing other than such money as he shall have been authorized to receive or collect under this Act, from any person whatever, under color of his employment or authority, or as a bribe for forbearing to exercise any employment or authority under this Act, such officer shall be deemed guilty of a misdemeanor, and shall be liable to imprisonment with or without hard labor for a period not exceeding six months, and shall, for every such offence, forfeit a sum not exceeding one thousand Rupees, and in default, and until such payment be made, shall be liable to further imprisonment with or without hard labor for a period not exceeding six months.

Penalty on persons pretending to be employed to serve notices or collect monies.

CXCVI. If any person, not being employed or authorized to serve any notice required to be given under this Act, or to receive or collect any money under this Act, shall falsely pretend that he is employed or authorized to serve any notice, or to receive or collect any money under this Act, and shall, by such false pretence, obtain or attempt to obtain any money or valuable thing whatsoever from any person whatsoever, the person so offending shall be deemed guilty of a misdemeanor, and shall be liable to the punishment and penalties in the last preceding Section mentioned.

Punishment for unlawful entry.

CXCVII. Any person employed or pretending to be employed to make any distress under this Act, who shall knowingly enter the apartments of any Hindoo or Mahomedan woman, which, by the usage of the country, are deemed private, or shall force open the outer door of a dwelling house contrary to the provisions of the 17th Part of this Act, shall be liable to be imprisoned with or without hard labor for any period not exceeding three months.

CXCVIII. If any

CXCVIII. If any person shall take away any moveable property duly distrained under this Act, knowing it to be distrained while subject to such distress, such person shall, on conviction, be liable to be imprisoned for a period not exceeding three months, or until he sooner restores the property, or makes good the value of it to the Distraining Officer, and shall also be liable to a fine not exceeding the value of such property.

Penalty for forcibly or clandestinely taking away distrained property.

CXCIX. If any person shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or shall knowingly or wilfully aid or assist in forging, counterfeiting, or altering any certificate of the Collector or the Commissioners or of any Ex-Officio or Special Assessor, or of any Deputy Collector acting in the execution of this Act, or any certificate or any acknowledgment, or any receipt which any Officer is, by this Act, authorized to give on the receipt of any money payable under this Act, or shall utter any such forged, counterfeited, or altered certificate or acknowledgment, or receipt as aforesaid, with intent to defraud Her Majesty, or the Secretary of State in Council, or the Government, or any person whomsoever, every person so offending and being lawfully convicted thereof, shall be adjudged guilty of felony, and shall be liable, if a European or American, to be sentenced to penal servitude for any period not exceeding ten years, or to imprisonment with or without hard labor for any term not exceeding two years, and, if not a European or American, to be sentenced to transportation for any period not exceeding fourteen years, or to imprisonment with or without hard labor for any term not exceeding seven years.

Penalty for forgery.

CC. Every person who, with the intention of inducing any Collector, or any other Officer employed to carry out the provisions of this Act, to refrain from exercising any of the lawful powers vested in such Collector or other Officer under the authority of this Act, or with the intention of inducing any person liable to pay any Duties under this Act, to refrain from making any return or declaration, or doing any act, or making any payment required by this Act, shall assault, or make a show of assaulting, or shall wrongfully restrain or attempt wrongfully to restrain, or shall overawe by means of an unlawful assembly, or attempt so to overawe any such Collector or other Officer, or any such other person as aforesaid, and all persons who shall combine by the closing of shops or otherwise to induce, or who shall do any act with intent to induce any other person or persons to break

Penalty for assaulting Collector, &c.

break the public peace or otherwise to obstruct the operation of this Act, shall be liable to a sentence of imprisonment with or without hard labor for a period not exceeding twelve months, or to a fine not exceeding five hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding twelve months.

Penalty for intimidating with the intention of preventing persons from making returns, declarations, or payments, &c.

CCI. If any person shall, by violence, threats, or otherwise, intimidate or attempt to intimidate any other person liable to pay any Duties under this Act, with the intention of preventing such person from making any return or declaration, or doing any act, or making any payment required by this Act, he shall be liable to a sentence of imprisonment with or without hard labor for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

False deposition.

CCII. If any person, being legally bound by an oath or affirmation to state the truth to any public servant, or to any other person authorized to administer an oath or affirmation in any matter relating to this Act, states to such public servant or other person as aforesaid, touching that subject, as true, that which he knows to be false, or does not believe to be true, he shall be punished with imprisonment with or without hard labor for a term which may extend to three years, and shall also be liable to a fine not exceeding five thousand Rupees.

Charge to be preferred where perjury committed.

CCIII. Any charge to be preferred under the last preceding Section for any of the offences therein mentioned, in regard to any affidavit, deposition, or affirmation, shall and may be tried and determined in the place where such affidavit, deposition, or affirmation shall be exhibited to the Collector or Commissioners in pursuance of this Act; but if such offence shall have been committed by any European British subject, the charge shall be tried and determined by one of Her Majesty's Supreme Courts of Judicature.

Penalty for making false returns of profits or of the value of lands.

CCIV. If any person shall knowingly and wilfully make or deliver any false or fraudulent account, statement, or declaration in any return which he is required to make under the provisions of this Act, such person shall for every such offence, if not otherwise provided

provided for in this Act, be liable to forfeit treble the amount of Duties to which he is justly chargeable, in addition to a further sum not exceeding five hundred Rupees.

Penalty for accessories before the fact.

CCV. Every person who shall knowingly and wilfully aid, abet, or assist, or incite or induce any other person to make or deliver any such false or fraudulent account, statement, or declaration as aforesaid, shall, for every such offence, forfeit the sum of five hundred Rupees.

False claim to abatement under Schedule 1.

CCVI. If any person shall knowingly make any false claim for any abatement under the first Schedule of this Act, or shall be guilty of any fraud or misrepresentation in making such claim, or in obtaining or endeavoring to obtain any such abatement, or knowingly shall untruly declare the amount or value of any loss under the rules relating to Schedule 1, or the amount or value of any abatement made or agreed to be made in the rent of the land or house in his occupation on account of such loss, with intent fraudulently to obtain any such abatement, he shall forfeit treble the amount of Duties justly chargeable on him in respect of the said land or house, in addition to a further sum not exceeding five hundred Rupees; and if the occupier of any such land or house, or any other person whatever, shall aid, abet, or assist any person charged to the said Duties in making such false or fraudulent claim, or shall fraudulently or untruly declare the amount or value of any abatement made or agreed to be made in the rent of the said land or house, or the amount of such loss, with intent fraudulently to obtain for the person so charged any abatement as aforesaid, every such person shall forfeit a sum not exceeding five hundred Rupees.

False claim to abatement or exemption.

CCVII. If any person shall knowingly make any false claim to any abatement under any Schedule of this Act, or to any exemption or deduction under the 13th or 14th Parts of this Act, or shall knowingly be guilty of any fraud or contrivance in making any claim under any of the said Schedules, or under the said 13th or 14th Parts of this Act, or in obtaining any abatement, or any exemption or deduction, or any certificate as aforesaid, under any of the said Schedules, or the said 13th or 14th Part, or shall fraudulently conceal or untruly declare any income or amount of income, or any sum which he may have charged, or have been entitled, under the authority of this Act, to charge against any other person, or which he may have deducted or retained, or have been or be entitled as aforesaid, to deduct or retain for

any

any payment to which such person claiming exemption as aforesaid may be liable; or if any such person shall fraudulently make a second claim for the same cause —every such person so offending shall forfeit a sum not exceeding five hundred Rupees and treble the Duties chargeable in respect of all the sources of his income, as if such claim had not been made or allowed; and if any person shall knowingly and wilfully aid, abet, or assist any such person in committing any such fraud as aforesaid, the person so aiding, abetting, or assisting, shall forfeit a sum not exceeding five hundred Rupees.

Penalty under Section LXXV relating to composition.

CCVIII. Any person who shall be guilty of any offence mentioned in Section LXXV of this Act, in regard to the Composition therein mentioned, shall forfeit a sum not exceeding five hundred Rupees and treble the Duties justly chargeable in respect of all the sources of his income.

Refusal to appear before Commissioners.

CCIX. If any person, being duly summoned to appear before the Collector or Commissioners as aforesaid, for any of the purposes mentioned in this Act, shall refuse or neglect to appear before the Collector or Commissioners at the time and place appointed for that purpose, or if any such person, being summoned, shall appear before the Collector or Commissioners, but shall refuse to be sworn or to subscribe such oath as aforesaid, or having taken and subscribed the same, shall refuse to answer any question touching the matters depending before the Collector or Commissioners, every person so offending shall forfeit a sum not exceeding two hundred Rupees for every such offence.

Penalty for refusal or neglect to deliver list, return, or declaration.

CCX. If any person who ought by this Act to deliver any list, return, or declaration, shall refuse or wilfully neglect so to do within the time limited in any notice given under this Act, or shall under any pretence wilfully delay the delivery thereof, every such person so offending shall forfeit any sum not exceeding two hundred Rupees, and shall be liable to be assessed in treble the amount with which he is justly chargeable.

Penalty for refusal or neglect to deliver returns or to appear before Collector or Commissioners, when required to do so.

CCXI. If any person required by the Collector or Commissioners under this Act, to make out, verify, or deliver any return required by this Act, or to appear before the Collector or Commissioners, shall refuse or wilfully neglect to make out, verify, or deliver such return, or to appear before the Collector

Collector or Commissioners, within the time limited by the Collector or Commissioners in pursuance of this Act, every such person so offending shall forfeit any sum not exceeding two hundred Rupees, and shall be liable to be assessed in treble the amount with which he is justly chargeable.

Penalty for violation of secrecy.

CCXII. If any person, being legally bound by an oath or solemn affirmation of secrecy under this Act, shall wilfully disclose any matter which by such oath or affirmation he is bound to keep secret, he shall be liable to be imprisoned with or without hard labor for a period not exceeding three years and shall also be liable to a fine not exceeding five thousand Rupees.

No person not served with particular notice to be liable to penalties.

CCXIII. No person who shall not have been served in the manner directed by Section XXXVIII of this Act with the notice provided by that Section, shall be liable to the penalties before mentioned for not delivering a return or declaration of his profits or income.

Penalty for obstruction to officers in due execution of duty.

CCXIV. If any person shall wilfully obstruct any Assessor or Collecting Officer, or any officer duly authorized in the execution of this Act in the due execution of his office or duty, such person shall, for every such offence, forfeit a sum not exceeding five hundred Rupees.

Penalty for avoiding assessment by fraudulent removal or fraudulent disposition of property.

CCXV. If any person chargeable with any Duties under this Act, shall, by fraudulently changing his place of residence or by fraudulently converting his property or any part thereof, or by fraudulently conveying or assigning, or pretending to convey or assign the same, or by fraudulently altering any security with relation to such property, or by fraudulently rendering the same or any part thereof temporarily unproductive, in order that such person may not be charged for the same, or shall by any falsehood, wilful neglect, fraud, or contrivance whatsoever used or practised, avoid, or attempt to avoid being charged and assessed according to the true intent and meaning of this Act, every such person shall, on proof thereof before the Collector or Commissioners acting for the place wherein such person shall be chargeable, be charged and assessed in treble the amount of the charge which ought to have been made on such person; and if in any such case such person shall have been assessed in an amount less than the assessment

ment which ought to have been made on him, he shall be assessed and charged in treble the amount of the difference between the sum with which such person shall have been charged and the sum with which he ought to have been charged, to be added to such assessment, and shall also be liable to be imprisoned with or without hard labor for a period not exceeding two years, and to a fine not exceeding one thousand Rupees.

Penalty for removing from District after assessment without leaving sufficient property to satisfy Duties.

CCXVI. If any person, being assessed to the said Duties, shall remove out of the District where he shall have been assessed to the said Duties, without first paying or discharging all the said Duties charged upon him which shall then be due and payable, and without leaving in such District sufficient property whereon the said Duties in arrear may be raised and levied, and the same shall remain in arrear and unpaid for the space of twenty days after the time appointed by this Act for payment thereof, every such person shall forfeit (over and above the said Duties so left unpaid as aforesaid,) a sum not exceeding two hundred Rupees.

Saving of punishment otherwise provided by law.

CCXVII. Nothing in this Act contained shall prevent any person being punished for any offence in any manner otherwise provided by law. Provided that if any proceedings be taken under this Act for the punishment of any person for an offence, a conviction or acquittal shall be a bar to any other proceedings for the same offence.

PART XX.

Mode of enforcing Penalties.

Cognizance of offences.

CCVXIII. Except as otherwise provided, all offences under this Act may be tried by any Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, unless the period of imprisonment to which the offender may be liable, exceed that which the Magistrate, Joint Magistrate, or other Officer as aforesaid is competent to award under the laws for the time being in force in the Presidency or place in which such Magistrate, Joint Magistrate, or other Officer as aforesaid is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Magistrate, Joint Magistrate, or other Officer as aforesaid, the offender shall be committed for trial before the Sessions Judge, if the evidence given

given before such Magistrate, Joint Magistrate, or other Officer as aforesaid shall appear to such Magistrate, Joint Magistrate, or other Officer sufficient for the conviction of the accused.

District in which certain offences shall be tried.

CCXIX. Except as aforesaid, all offences declared to be punishable under this Act with fine or forfeiture, or fine and imprisonment, may be tried in the District or place in which the offence was committed, or in which the person charged with the same is apprehended.

Magistrate may refer offences punishable with fine to his Assistants for trial.

CCXX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants, and in such case every such Assistant may exercise all the powers vested in a Magistrate by any law for the time being in force, subject to all the rules applicable to Criminal cases deputed to such Assistant acting judicially.

Local Government may authorize Assistants to exercise such powers without reference by Magistrate.

CCXXI. The local Government may give general authority to any such Assistant to exercise, without reference by a Magistrate, any of the powers which such Assistant is hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant within one month from the date of conviction.

Magistrate may call for any case pending before such Assistant.

CCXXII. A Magistrate may at any time call from any of his Assistants, any case pending before such Assistants.

Jurisdiction over British subjects committing certain offences beyond the limits of Supreme Court.

CCXXIII. If any offence which by this Act is declared to be punishable with fine and imprisonment, or imprisonment only, shall be committed by a European British subject beyond the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, the offender shall be liable, upon conviction before one of the said Supreme Courts of Judicature, to the punishment to which by this Act the offender is declared to be liable upon conviction.

Summary jurisdiction in respect of certain offences committed within the limits of Supreme Court.

CCXXIV. If any offence which by this Act is declared to be punishable with fine or forfeiture, or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the jurisdiction of any Court of Judicature

Judicature established by Royal Charter, such offence shall be punishable upon summary conviction by any Magistrate of Police of the Presidency Town or Station in which such Court is held.

Conviction to be quashed on merits only.

CCXXV. No conviction, order, or judgment under the last preceding Section shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

All other offences committed within the limits of Supreme Court, punishable by such Court.

CCXXVI. All other offences punishable under this Act, which shall be committed within the local limits of any Court of Judicature established by Royal Charter, shall be punishable by such Court.

Levy of forfeitures and penalties by distress.

CCXXVII. All fines, forfeitures, or penalties imposed under the authority of this Act for offences punishable by any Magistrate, or person lawfully exercising the powers of a Magistrate, or Assistant Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the above-named Officers.

Procedure until return is made to warrant of distress.

CCXXVIII. In case any such fines, forfeitures, or penalties shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Imprisonment, if distress not sufficient.

CCXXIX. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, forfeiture, or penalty, and the same shall not be forthwith

paid,

paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Levy of fines from European British subjects.

CCXXX. If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine, forfeiture, or penalty and the costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

Award of hard labor not to be commuted to the payment of a fine.

CCXXXI. Whenever an award of hard labor is made under this Act, the Court shall not commute such labor to the payment of a fine under Regulation II. 1834 of the Bengal Code.

Penalties not exceeding 200 Rs., and increased assessments recoverable before Collector or Commissioners.

CCXXXII. All forfeitures or penalties not exceeding two hundred Rupees, imposed by this Act, exclusive of any increased Duties chargeable under this Act, may be recovered before the Collector or before two or more Commissioners in and for the place wherein the offence shall have been committed or the offender shall have been assessed.

Cognizance of offences how to be taken by Collector or Commissioners.

CCXXXIII. The Collector or Commissioners shall take cognizance of any offence of which he or they shall have cognizance under the last Section, upon information or complaint in writing made to them, and upon a summons to the party accused to appear before the Collector or Commissioners at such time and place as they shall fix, or without such summons, in case the person shall be guilty of the offence in their presence.

CCXXXIV. The

Adjudication to be in a summary way.

CCXXXIV. The Collector or Commissioners shall examine into the matter of fact and proceed to hear and determine the same in a summary way, and upon proof made thereof, either by voluntary confession of the party accused, or by evidence of one or more credible witness or witnesses, or otherwise, as the case may require, to give judgment for the penalty, or if the Collector or Commissioners shall think proper, to mitigate the same for such part of the penalty as he or they shall direct.

Penalty to be charged in addition to Duties assessed.

CCXXXV. In such case the Collector or Commissioners shall assess the penalty upon the party, and charge the same in the assessment to which the penalty adjudged shall particularly relate, and in addition to the Duties in case the party shall be charged therewith.

Levy of forfeitures or penalties.

CCXXXVI. The forfeitures or penalties so adjudged shall be levied in like manner as the Duties under this Act.

Reward to informers.

CCXXXVII. The informer shall, in all cases, upon the Collector or Commissioners certifying that he has conducted himself properly in regard to his information, be entitled to receive one moiety of the amount of the penalty awarded exclusive of any increased assessment; and when more informers than one are concerned, they shall be entitled to such moiety in such shares as the Collector or Commissioners shall award.

Adjudication of Collector or Commissioners final.

CCXXXVIII. The adjudication of the Collector or Commissioners shall in all cases cognizable by them be final and conclusive to all intents and purposes, without power of appeal from the same, and the proceedings of the Collector or Commissioners shall not be removeable by any process whatever into any Court of Law or Equity, or be subject to revision.

Costs of suit recoverable besides penalty.

CCXXXIX. In any proceeding for the recovery of any such Duties or penalties respectively granted or imposed by this Act, such Duties and penalties respectively shall be recoverable

verable with full costs of suit, and all charges and expenses attending the same.

Increased Duty may be added to assessment.

CCXL. Whenever by this Act any increased rate of Duty is imposed as a penalty, or as part of, or in addition to, any penalty, such increased rate of Duty shall be added to the assessment, and be collected and levied in like manner as any Duties included in such assessment may be collected and levied.

Penalties to be paid to Income Tax Account.

CCXLI. All penalties, forfeitures, and fines levied under this Act, after deducting any portion thereof hereby authorized to be paid as aforesaid, shall be paid to the account to be headed Income Tax Account, in Section C[illegible] of this Act mentioned, and shall be held available for the purposes of this Act.

PART XXI.

Miscellaneous.

Provision applied to any particular Schedules may extend to any other Schedule.

CCXLII. Every provision in this Act contained and applied to the Duties in any particular Schedule, which shall also be applicable to the Duties in any other Schedule, and not repugnant to the provisions for ascertaining or charging the Duties in such other Schedule, shall, in ascertaining and charging the same, be applied as fully and effectually as if the application thereof had been so expressly and particularly directed.

Governor-General in Council may postpone operation of Act in any part of India.

Proviso.

CCXLIII. It shall be lawful for the Governor-General of India in Council to postpone, for such period as he shall deem necessary, the period for this Act to come into operation in any part of India. But no other tax or duty shall during such period be leviable in that part of India except such as could be lawfully levied in addition to the Duties provided by this Act.

Indemnity.

CCXLIV. No action or other proceeding shall be had or taken against any Officer for any thing done by him in or relating to the imposition or levying of any tax or duty heretofore imposed or levied

or levied with the sanction of the Governor-General of India in Council or of the local Government; and every tax or duty heretofore assessed or imposed by any such Officer with such sanction as aforesaid, so far only as concerns such assessment or tax or duty for the current year, may be levied or collected in the manner heretofore sanctioned by the Governor-General of India in Council or by the local Government.

Notice and limitation of suits.

CCXLV. No suit, action, or other proceeding shall be commenced or prosecuted against any person for any thing done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

Power to Governor-General in Council to issue forms.

CCXLVI. *Clause* 1. It shall be lawful for the Governor-General of India in Council, from time to time, to prescribe and issue the forms of returns, declarations, acknowledgments, certificates, oaths, affirmations, contracts of composition, and the forms of all other documents and proceedings required by this Act, and to vary or alter the same from time to time.

Clause 2. Such forms shall be published at least three times in the Government Gazette of the several Presidency Towns and of all the places where any Government Gazette shall be published.

Clause 3. When they shall have been so published, and until they shall be altered, varied, or annulled by any subsequent order of the Government, the said forms shall be observed by all persons required by this Act to do the matters referred to in such forms, and all notices given, and all returns or declarations made, and all oaths or affirmations taken or made, and all proceedings had according to such forms respectively, shall, if otherwise valid, be deemed valid and effectual.

Power to Governor-General in Council to allow salaries.

CCXLVII. It shall be lawful for the Governor-General of India in Council, from time to time, to allow from the Duties collected under this Act, any salaries or any remuneration, whether by way of fixed fees or of percentage on sums realised or otherwise

wise, to any officer or person who shall be appointed under this Act for the performance of any of the Duties prescribed by this Act.

Interpretation of terms.

CCXLVIII. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such meanings:—

Number.
Gender.

1. Words importing the singular number shall include the plural number and words importing the plural number shall include the singular number; words importing the masculine gender shall include females.

"India."

2. The Word "India" shall mean the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled an Act for the better Government of India.

"Governor-General in Council."

3. The expression "Governor-General in Council" shall include the President of the Council of the Governor-General of India in Council.

"Local Government."

4 The words "Local Government" shall mean the persons immediately administering the Executive Government in each Presidency, Lieutenant-Governorship, or Province in India.

"Lieutenant-Governorship."

5. The expression "Lieutenant-Governorship" shall mean any part of India for the time being under the Government or administration of any Lieutenant-Governor appointed under, or by virtue of any Act of the Imperial Parliament relating to India.

"Division."

6. The word "Division" shall mean any Division of, or for the purposes of, Revenue.

"Chief Revenue Authority."

7. The expression "Chief Revenue Authority" shall mean the person or Board exercising the chief authority for the time being in matters of revenue alone in any Presidency, Lieutenant-Governorship, or Province, though subject to the order of the local Government and shall not include the local Government. When in any Presidency, Lieutenant-Governorship, or Province, there shall be no person exercising such chief revenue authority throughout such Province, other than the person administering the Executive Government, the expression shall mean the person or Board

Board exercising chief authority in matters of revenue in any Division of such Presidency, Lieutenant-Governorship, or Province.

"Collector."

8. The word "Collector" shall include any Officer exercising, by authority of Government, the duties of a Collector of Land Revenue, by whatever name his office may be designated.

"Magistrate."

9. The word "Magistrate" shall include an Assistant Magistrate exercising, or any person duly invested with, the powers of a Magistrate. It shall not include Justice of the Peace.

"Land."

10. The word "Land" shall include and extend to all immoveable property, and all hereditaments and tenements whatsoever, whether corporeal or incorporeal, of the nature of immoveable property, except houses, and all estates or interests therein, whether freehold or chattel, or held by lease, or howsoever otherwise, or whether partial or derivative or otherwise, and whether in divided or undivided shares.

"House."

11. The word "House" shall include and extend to all messuages and buildings used for the purpose of habitation; and all warehouses, counting houses, factories, and shops, and to all out-houses, offices, godowns, and buildings attached to, or used with, or for the purposes of, such messuages, buildings, warehouses, factories, or shops.

"Rack-rent."

12. The word "Rack-rent" shall mean the full rent or value at which lands or houses are worth to be let for the year.

"Owner."

13. The word "Owner," as applied to land or houses, shall include any person beneficially entitled in possession to an absolute estate, or to any lesser estate, whether freehold or chattel, or partial or derivative, or otherwise, at law or in equity; or any person entitled to any such estate in trust for another person.

"Holder."

14. The word "Holder," as applied to land or houses, shall include any person in possession or in the receipt of the rents and profits of land or houses under any claim to be entitled to any estate, whether freehold or chattel, partial or derivative, or otherwise, at law or in equity: and whether on his account or on account of any other person.

"Person."

15. The word "Person" shall include any Corporation.

16. The

16. The word "Representative" shall extend to any person who is a legal representative of a person deceased, and shall include, in the case of a deceased person subject to the Law of England, the heirs or devisees of such a person in regard to real estate, and the executors or administrators of such person in regard to personal estate; and in the case of a deceased Mahomedan or Hindoo, the heirs and persons legally entitled to succeed to the property of such person. It shall also include the successors of a Corporation.

"Representative."

17. The word "Company" shall extend to any Society, Association, Fraternity, or Partnership of any kind whatever, of or carried on by more than six persons.

"Company."

18. The word "Trade" shall include any manufacture, and any business, adventure, or concern in the nature of a trade.

"Trade."

19. The word "Profession" shall extend to any employment, vocation, or calling, other than a trade.

"Profession."

20. The word "Profits" shall include gains of every kind.

"Profits."

21. The word "Lunatic" shall include every person of unsound mind, and every person being an idiot.

"Lunatic."

22. The word "Oath" shall include an affirmation in the case of any person entitled by law to make any affirmation in lieu of any oath or affidavit.

"Oath."

CCXLIX. This Act shall commence and take effect from and after the 31st day of July 1860, and together with the Duties therein contained, shall continue in force until the 1st day of August 865, and no longer.

Commencement and ntinuance of Act.

Provided that this Act and the said Duties shall not then cease with respect any assessment which ought to have been made before the said last-mentioned ay, but which shall not then have been made and completed; nor with respect any of the said Duties which shall have been assessed and shall then remain npaid; nor with respect to any penalty before then incurred; nor with respect any offence of which any person shall have been guilty before that day; nor th respect to any deduction of the said Duties, or any portion thereof, authorized Law, to be made out of any rent, interest, or other annual payment which shall

shall become due or payable before the said last-mentioned day; nor with respect to any penalty for refusing to allow any such deduction, although such refusal may be after the said last-mentioned day; nor shall the said Duties cease in any case where the assessments for the preceding year shall not have been completed before the said 1st day of August 1865.

And that all the powers and provisions of this Act shall continue in force for making and completing all such assessments as aforesaid, and for levying and recovering the Duties so assessed or to be assessed, and all arrears of such Duties, and also for re-assessing the same in default of payment in the manner herein directed, and for making and allowing such deduction as aforesaid, and for the suing for, adjudging, and recovering any penalty which shall have been or may be incurred, and for the punishment of any offence of which any person shall have been guilty before that day.

ACT No. XXXIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th July 1860.)

An Act relating to Emigration to the British Colony of Natal.

Preamble.

WHEREAS it is expedient to render lawful the Emigration of laborers being Native Inhabitants of British India to the British Colony of Natal, and to extend the provisions of Act XXXI of 1855 *(relating to the Emigration of Native laborers to the British Colonies of St. Lucia and Grenada)* to the Emigration of Native Inhabitants of British India who may emigrate to Natal ; It is enacted as follows :—

Act repealed.

I. Act XIV of 1839, in so far as it renders liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the British Colony of Natal, or who shall knowingly aid or abet any Native of India in emigrating from the Ports of Calcutta, Madras, and Bombay respectively, to the said Colony, is repealed.

Act XXXI of 1855 extended.

II. All the provisions of Act XXXI of 1855 and of the Schedule thereto shall extend and apply to Native Inhabitants of the British Territories in India who shall emigrate to Natal, and that Act shall be read as if the words "or the British Colony of Natal" had been inserted therein after the words "Saint Lucia and Grenada" or "Saint Lucia or Grenada," wherever those words occur in the said Act. Provided that the probable length of the voyage to Natal from the Ports of Calcutta, Madras, and Bombay shall for the purposes of this Act be deemed to be—

Duration of voyage.

From

From the Port of Calcutta,.....	12	Weeks.
„ the Port of Madras,.....	10	„
„ the Port of Bombay,.....	10	„.

and provided that it shall be lawful for ships or vessels carrying Emigrant laborers to the said Colony of Natal to sail at any season of the year.

Commencement of Act.

III. This Act shall take effect as to the said Colony of Natal from the day when the Governor-General of India in Council shall notify in the Calcutta Gazette that such Regulations have been provided, and such measures taken, as the Governor-General in Council deems necessary for the protection of such Emigrants during their residence in the said Colony of Natal and in respect of their return to India.

ACT No. XXXIV OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 2nd August 1860.)

An Act to indemnify Officers of Government and other persons in respect of fines and contributions levied, and acts done by them during the late disturbances.

Preamble.

WHEREAS fines and penalties have been imposed and levied by Officers of Government in respect of acts committed during the late disturbances; and whereas assessments and contributions have been made and collected for the reconstruction or repairs of public buildings destroyed or injured during the same period and for other purposes; and whereas it is expedient to indemnify all Officers of Government and other persons acting under the authority of Officers of Government from any penalties or proceedings to which they may have rendered themselves liable since the 10th day of May 1857 in respect of the said fines, penalties, assessments, and contributions, and of any other acts which may have been done by them, and which have been or shall be ratified by the Executive Government, and to confirm and make valid the levy of the said fines, penalties, assessments, and contributions, and the said acts; It is enacted as follows:—

Certain fines, penalties, &c., imposed since 10th May 1857 to be deemed to have been duly imposed and levied.

1. All fines, penalties, assessments, and contributions imposed since the 10th day of May 1857 in respect of the destruction or injury of Government or other property, or on any other account connected with the late disturbances, by any Officer of Government, or by any person acting under the authority of an Officer of Government, shall be deemed to have been duly imposed and levied if the same shall have been levied in pursuance of an order of Government or shall have been or shall be ratified by the Executive Government; and all Officers

Officers of Government and all persons acting under their authority are hereby indemnified and discharged from liability in respect of any such fines, penalties, assessments, and contributions, and levying the same, and no suit or proceeding shall be commenced or prosecuted in respect thereof. Provided that nothing in this Act shall authorize the levy of any fine, penalty, assessment, or contribution not already levied.

Proviso.

II. All acts done since the 10th day of May 1857 in connection with the late disturbances by Officers of Government, or by persons acting under their authority or otherwise, in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers of Government and persons as aforesaid are hereby indemnified and discharged from liability in respect of such acts.

Officers indemnified for certain acts done since 10th May 1857.

ACT No. XXXV OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 2nd August 1860.)

An Act relating to the Transportation of Convicts.

Preamble.

WHEREAS it is expedient to provide that convicted offenders sentenced to transportation shall be transported to such places only as the Governor-General of India in Council shall appoint; It is enacted as follows:—

Place of transportation not to be specified in sentences.

I. From and after the passing of this Act, whenever any person convicted of an offence which is punishable with transportation shall be sentenced by any Court within the British Territories in India to be transported, such Court shall not in its sentence specify the place to which such person shall be sent for the purpose of undergoing the sentence of transportation.

Governor-General in Council to appoint a place or places.

Local Government to direct removal of persons sentenced to such place or places.

II. It shall be lawful for the Governor-General of India in Council from time to time to appoint a place or places within the British Territories in India to which persons sentenced to transportation shall be sent; and the local Government of the Presidency or place in which such persons shall have been sentenced, or some Officer duly authorized by the local Government, shall give orders for their removal to the place or places so appointed.

Provision for intermediate custody.

III. In every case in which a sentence of transportation is passed, the person upon whom such sentence is passed, until he is transported, shall be dealt with in the same manner

as

as if sentenced to imprisonment with hard labor, and shall be held to have been undergoing his sentence of transportation during the term of his imprisonment.

Execution of sentences of transportation passed on persons already undergoing transportation under a previous sentence.

IV When sentence of transportation shall be passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Government to order the removal of such person from the place in which he is so undergoing transportation.

Saving Clause.

V. Nothing in this Act shall affect the provisions of Act XXIV of 1855 *(to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the Law relating to the removal of such Convicts)*, or the provisions of any Act of Parliament passed in the United Kingdom of Great Britain and Ireland for punishing mutiny and desertion.

ACT No. XXXVI of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the [illegible]nt of the Governor General on the 2nd August 1860.)

An Act to consolidate and amend the law relating to Stamp Duties.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Stamp Duties; It is enacted as follows:—

Repeal of Regulations.

I. From the time when this Act shall come into force, Regulation XII. 1826 *(for raising and levying Stamp Duties within the Town of Calcutta)* with the corresponding Regulation enacted on the 14th June 1827 and registered in the Supreme Court at Calcutta on the 12th July 1827, and Regulation X. 1829 of the Bengal Code *(for consolidating into one Regulation, with modifications, the existing enactments relating to the collection of Stamp Duties)*, Regulation XIII. 1816 of the Madras Code *(for modifying and amending the Rules before enacted regarding Stamped paper and Stamped Cadjans; and for consolidating the Fees payable on the institution of suits, and on exhibits and summonses for witnesses, with the Duty levied by means of Stamps)*, Regulation XVIII. 1827 of the Bombay Code *(for levying a Stamp Duty on certain papers within the Territories subordinate to the Presidency of Bombay)*, Regulation III. 1828 of the same Code *(for subjecting to the Stamp Duty certain Plaints and other Papers exempted therefrom under Regulation XVIII. of* 1827), Regulation VI. 1828 of the same Code *(for extending in the same manner as in suits before the Courts of Civil judicature, Stamps to suits cognizable by Collectors under the operation of Chapter VIII Regulation XVII. of* 1827 *or any other now in force)*, Regulation VIII. 1830 of the same Code *(for changing the Counter-Stamp to be impressed on Stamped Paper and other material)*, Regulation III. 1831 of the same Code *(for subjecting to the Stamp Duty copies of decrees passed by Native Commissioners, exempted therefrom under Regulation XVIII. of* 1827), Regulation XIV. 1831 of the same Code *(for rescinding that part of Section VII Regulation XVIII. of* 1827, *which requires all Stamped Paper to be endorsed*

with

with the Official signature of some person belonging to the Office of Superintendent of Stamps, and prescribing how that duty shall henceforth be performed), and Section XXXVII of Act X of 1859 (*to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal*)—are repealed, except in so far as they rescind other Regulations or parts of other Regulations, and except as regards Deeds, Instruments, or Writings which sh have been made or executed, and all proceedings or matters which shall ha aken place before this Act shall come into force.

Stamp Duty payable under Schedule A.

II. For every Deed, Instrument, or Writing which shall be executed from the time when this Act shall come into force, and which shall be of any of the kinds specified as requiring Stamps by the Schedule A. annexed to this Act, there shall be payable to Government a Stamp Duty of the amount indicated in the said Schedule to be proper for such Deed, Instrument, or Writing.

Penalty for drawing &c. unstamped or insufficiently stamped Bill of Exchange, &c.

III. If any person shall draw, accept, endorse, negotiate, pay, or receive payment of any Bill of Exchange, Promissory Note, Draft, Cheque, or other similar Instrument, or if any person shall make, execute, sign, or be a party to any Deed, Instrument, or other Writing, engrossed on unstamped or insufficiently Stamped paper or other material, which should bear a Stamp of the value set forth in Schedule A, such person, so offending, shall forfeit a sum not exceeding one hundred Rupees, or a sum equal to ten times the value of the Stamp omitted to be used, if the sum so calculated exceed one hundred Rupees.

Governor-General in Council to prescribe the form of Stamps to be used, &c.

IV. The Governor-General in Council shall prescribe the form and material of the Stamps to be used, and the mode and place of impressing, affixing, or denoting thereon the value thereof under the provisions of this Act, and may from time to time alter and vary such orders. All orders made by the Governor-General in Council under this Section shall be published in the Official Gazettes of the several Presidencies and places in which such orders are to be in force.

Receipt Stamps how to be denoted.

V. The Duty imposed by this Act on every Receipt, and on every Draft or Order for the payment of money on demand, and bearing the date on which the Draft or Order is made, may be denoted

denoted by a Stamp impressed upon the paper whereon any such Instrument is written, or by an adhesive Stamp affixed thereto. It shall be lawful, until the Governor-General in Council shall direct to the contrary by an order to be published in the Gazette, to use a Postage Stamp of the value of half anna on every Receipt, Draft, or Order for which a half anna Stamp is required by this Act.

Obliteration of adhesive Stamp when used.

VI. In any case where an adhesive Stamp shall be used for the purpose aforesaid on any Receipt or upon any Draft or Order chargeable with the Duty of half anna or of one anna by this Act, the person by whom such Receipt shall be given or such Draft or Order signed or made, shall, before the Instrument shall be delivered out of his hands, custody, or power, cancel the Stamp so used, by writing thereon his name, or the initial letters of his name, or in such other manner as to show that such Stamp has been made use of and so that the same may not be again used ; and if any person who shall write or give any such Receipt or discharge or make or sign any such Draft or Order with any adhesive Stamp thereon, shall not *bonâ fide* in manner aforesaid cancel such Stamp, he shall forfeit a sum not exceeding one hundred Rupees.

Stamps on Foreign Bills of Exchange, &c.

VII. The Duties imposed by this Act on Foreign Bills of Exchange shall be paid on account of all Bills drawn within, but payable out of, the British Territories in India, and on account of all Bills drawn out of the British Territories in India, which shall be payable within those Territories, or shall therein be endorsed, transferred, or otherwise negotiated, wheresoever the same may be payable; and the Duties so imposed on Bills drawn out of the British Territories in India, shall be denoted by adhesive Stamps to be affixed to such Bills as hereinafter directed.

Bills purporting to be drawn abroad deemed for the purposes of this Act to be so drawn.

VIII. Every Bill of Exchange which shall purport to be drawn at any place out of the British Territories in India shall, for all the purposes of this Act, be deemed to be a Foreign Bill of Exchange drawn out of the British Territories in India, and shall be chargeable with Stamp Duty accordingly, notwithstanding that in fact the same may have been drawn within those Territories.

The holder of a Bill drawn out of the British Territory to affix an adhesive Stamp thereon before negotiating it.

IX. The holder of any Bill of Exchange drawn out of the British Territories in India and not having a proper adhesive Stamp affixed thereon as herein directed shall, before he shall present the same for payment, or endorse, transfer, or in any manner negotiate such Bill, affix thereon a proper

proper adhesive Stamp for denoting the Duty by this Act charged on such Bill; and the person who shall endorse, transfer, and negotiate such Bill shall, before he shall deliver the same out of his hands, custody, or power, cancel the Stamp so affixed by writing across the same as his endorsement his name or the name of his firm and the date of the day and year on which he shall so write the same, or by affixing thereon or across the same the seal or mark which he is in the habit of using, or in such other manner as to show that the Stamp has been made use of and so that the same may not be again used: and if any person shall present for payment or shall pay or endorse, transfer or negotiate any such Bill as aforesaid whereon there shall not be such adhesive Stamp as aforesaid, duly affixed, or if any person, who ought as directed by this Act to cancel such Stamp in manner aforesaid, shall refuse or neglect so to do, such person so offending in any such case shall be liable to the penalty prescribed in Section III of this Act, and no person who shall take or receive from any other person any such Bill as aforesaid either on payment or as a security or by purchase or otherwise, shall be entitled to recover thereon or to make the same available for any purpose whatever unless at the time when he shall so take or receive such Bill, there shall be such Stamp as aforesaid affixed thereon and cancelled in the manner thereby directed.

Penalty for negotiating such Bill without a Stamp affixed or for neglecting to cancel such Stamp.

X. If any person shall, within the British Territories in India, draw and issue any Bill of Exchange payable out of the British Territories in India, purporting to be drawn in a set of three, and shall not draw and issue, on paper duly Stamped as required by law, the whole number of Bills which such Bill purports the set to consist of, or if any person shall within the British Territories in India transfer or negotiate any such Bill of Exchange as aforesaid purporting to be drawn in a set of three, and shall not at the same time transfer or deliver on paper duly Stamped as aforesaid the whole number of Bills which such Bill purports the set to consist of, every such person so offending in any of such cases, shall be liable to the penalty prescribed in Section III of this Act; and if any person shall take or receive in the British Territories in India any such Bill as aforesaid either in payment, or as a security or by purchase or otherwise, without having transferred or delivered to him duly Stamped as aforesaid the whole number of Bills which such Bill purports the set to consist of, he shall not be entitled to recover on any such Bill or to make the same available for any purpose whatever.

Penalty for drawing and issuing or transferring or negotiating Bills purporting to be drawn in a set of three and not drawing the whole number of the set. Penalty on taking or receiving such Bills.

XI. If any

XI. If any person shall affix or use any adhesive Stamp which to his knowledge shall have been taken off or removed from any paper whereon any Receipt or any Draft, Order, or Bill of Exchange shall have been written, to or for any Receipt, Draft, Order, or Bill of Exchange, or any paper whereon any such Receipt, Draft, Order, or Bill of Exchange shall be or be intended to be written; or if any person shall do or practise or be concerned in any fraudulent act, contrivance, or device whatever not specially provided for by this or some other Act, with intent to defraud the Government of any duty imposed by this Act upon Receipts or upon Drafts, Orders, or Bills of Exchange—every person so offending in any of the said several cases shall forfeit a sum not exceeding two hundred Rupees.

Penalty for use of adhesive Stamp which has been removed from a Receipt, &c.

XII. Except as otherwise provided by this Act, no Deed, Instrument, or Writing for which any Duty shall be payable under Section II of this Act, shall be received as creating, transferring, or extinguishing any right or obligation, or as evidence in any Civil proceeding in any Court of Justice, whether established by Royal Charter or otherwise, or shall be acted upon in any such Court or by any public Officer, or shall be registered in any public Office or authenticated by any public Officer, unless such Deed, Instrument, or Writing be upon a Stamp of a value not less than that indicated to be proper for it by the said Schedule. Provided that every Deed, Instrument, or Writing liable to Stamp Duty shall be admitted as evidence in any Criminal proceeding, although it may not have the Stamp required by law impressed thereon or affixed thereto.

Effect of a Writing not duly Stamped.

Proviso.

XIII. *First.*—Deeds, Instruments, and Writings executed on unstamped or insufficiently Stamped paper from accident, ignorance, inadvertence, mistake, or from other unavoidable cause, may be impressed with the requisite Stamp or Stamps, on application being made to the Collector of Stamp Revenue, after payment of so much as will make up the proper amount of Stamp Duty, and the penalties hereinunder stated, or such mitigated penalty as the local Government or any Board or Officer authorized by the local Government may prescribe. Provided always that the payment of such penalty shall exempt the person making the same from any other penalty provided by this Act for such neglect or omission, and that if any such other penalty shall already have been imposed, then the same shall be taken as far as it goes in reduction of any penalty arising under this Section.

Deeds inadvertently executed on unstamped or insufficiently stamped paper may be stamped on payment of proper Stamp Duty and penalty.

Proviso.

Second.

Second.—If the Deed, Instrument, or Writing executed as aforesaid on unstamped or insufficiently stamped paper be brought within thirty days from the date of execution, the requisite Stamp may be impressed on payment of so much as will make up the proper amount of Stamp Duty and treble the amount of the deficient Duty; if brought after thirty days from the date of execution, but within three months from that date, or if brought within six months from the time of this Act coming into force, the requisite Stamp may be impressed on payment of so much as will make up the proper amount of Stamp Duty and five times the amount of the deficient Duty, or if not brought within the two periods last mentioned, the requisite Stamp may be impressed on payment of so much as will make up the proper amount of Stamp Duty and twenty times the deficient Duty.

Penalty if executed on unstamped or insufficiently stamped paper and brought to be stamped within thirty days of execution.

Penalty if brought within three months of execution or six months of Act coming into force.

Penalty if not brought within the two periods last mentioned.

Third.—It shall be the duty of the Collector of the Stamp Revenue of the District, or other Officer as aforesaid, to determine whether, upon payment of the penalties mentioned in the last preceding Clause, the requisite Stamp shall be impressed on any Deed, Instrument, or Writing which shall have been executed on unstamped or insufficiently Stamped paper, and the decision of the Collector shall be conclusive and final, except in cases in which he shall refuse to allow the Deed, Instrument, or Writing to be Stamped. The Board of Revenue or other general controlling Revenue Authority may, however, upon petition, order such penalty to be mitigated, and if paid, may order such part of it as they may consider proper to be returned.

Collector to determine whether, on payment of penalty, a Deed &c. executed on unstamped or insufficiently stamped paper shall be stamped.

In what cases decision of Collector final.

Mitigation of penalty.

Fourth.—Sections 130 and 131 of Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)* are hereby repealed, and in lieu thereof it is enacted as follows:—In all cases under this Act in which a Collector may impress a Stamp on payment of the proper amount of Stamp Duty and a penalty, any Civil Court may receive in evidence any Deed, Instrument, or Writing which might be so impressed, on payment into Court of the proper amount of Stamp Duty, and the penalty as by this Section imposed.

In what cases Civil Court may receive Deed &c. on payment of Stamp Duty and penalty.

Fifth.—An entry of such payment and of the amount thereof shall be made in a book to be kept in the Court, and shall also be endorsed on the back of the Deed, Instrument, or Writing, and

Procedure on payment under preceding Clause.

and shall be signed by a Judge of the Court. The Court shall at the end of every month make a return to the Collector of the Stamp Revenue of the District, of the monies (if any) which it has so received, distinguishing between the monies received by way of penalty and those received by way of Duty, stating the number and title of the suit and the name of the party from whom such monies were received, and the date, if any, and description of the document, for the purpose of identifying the same, and the Court shall pay over the said monies to such Collector or to such person as he may appoint to receive the same. And such Collector or other proper authority shall, upon the production of the Deed, Instrument, or Writing, with the endorsement hereinbefore mentioned, cause it to be Stamped thereon with a Stamp of the amount paid into Court on account of such Duty. All the provisions hereinbefore contained as to the mitigation or payment of penalties paid to the Collector shall be applicable to penalties paid into Court.

No unstamped or insufficiently stamped Deed &c. to be stamped except as aforesaid.

Sixth.—No Deed, Instrument, or Writing executed on unstamped or insufficiently Stamped paper shall be Stamped at any time after the execution thereof, except as aforesaid.

Cost of transmitting Deed &c. to be Stamped, by whom to be paid.

Seventh.—The cost of transmitting all Deeds, Instruments, and Writings required to be Stamped under this Section, and the cost of registering the same at the Post Office for transmission, shall, in all cases, be borne by the party applying to have such Deeds, Instruments, and Writings Stamped.

Government not responsible for loss or damage to Deed, &c.

Eighth.—The Government shall not be responsible for any loss or damage which may occur in respect of any Deed, Instrument, or Writing entrusted to the Collectors of Stamp Revenue, and no person employed by the Government in the Stamp Department shall be responsible for any such loss or damage, unless that person shall wilfully, fraudulently, or by gross negligence, cause such loss or damage.

Provisions of this Section not to extend to Bills of Exchange &c. drawn in India.

But no part of this Section shall extend to Bills of Exchange or other forms of orders for money drawn within the British Territories in India, or to receipts for money.

XIV. No larger

What sum recoverable under a Writing bearing an optional Stamp.

XIV. No larger sum shall be recoverable in any Court of Justice by reason of any Deed, Instrument, or Writing for which an optional Stamp is indicated to be proper by the said Schedule, than the largest sum for which, if specially stated in a Deed, Instrument, or Writing of the same denomination, the Stamp actually used under the option so given, would be of sufficient value. And no such Deed, Instrument, or Writing shall be held by any Court of Justice to be valid in respect to any sum of money larger than that for which the Stamp on the said Deed, Instrument, or Writing would be sufficient.

Expense of providing Receipt Stamps, &c.

XV. Every person receiving payment of any sum of money, the receipt for which under this Act requires a Stamp, shall, if required, give a receipt bearing the proper Stamp indicated by this Act, and shall bear the expense of furnishing the same, and in case of refusal shall be liable to a penalty not exceeding one hundred Rupees. The expense of providing the Stamp of all Bills of Exchange, Letters of Credit, Drafts, Cheques on Bankers or others, Promissory Notes, and other Orders and Obligations for the payment of money made or drawn in the British Territories in India (not being Bonds or Instruments or Writings bearing the attestation of one or more witnesses), shall be borne by the person making or drawing the same.

Stamp Duty payable under Schedule B.

XVI. Except within the local limits of the jurisdiction of the Courts established by Royal Charter, no Instrument or Writing of any of the kinds specified as requiring Stamps in the Schedule B annexed to this Act, shall be filed, exhibited, or recorded in any Court of Justice or Office with respect to which Court or Office such Instrument or Writing is required by Schedule B to have a Stamp, or shall be received or furnished by any public Officer, unless such Instrument or Writing be upon a Stamp prescribed as aforesaid by the Governor-General of India in Council, and of a value not less than that indicated to be proper for it by the said Schedule B.

Effect of provision contained in the Schedules.

XVII. Every provision contained in the Schedules annexed to this Act shall be of the same force as if it were contained in the body of the Act.

Governor-General in Council may lower rates of Stamp Duty in any District, or altogether exempt the same, &c.

XVIII. The Governor-General in Council may, by an order to be published in the Calcutta Gazette, direct that in any District such lower rates of Stamp Duty as he shall prescribe shall be taken on all or any of the Deeds, Instruments, or Writings specified in the Schedules to this Act, or altogether exempt the

the same, and in like manner, as occasion shall require, cancel or vary such order to the extent of the powers hereby given. Provided that this Section shall not extend to Bills of Exchange or other Instruments classed as Bills of Exchange.

Proviso.

XIX. The local Executive Government may appoint Officers for the collection of the Stamp Revenue, and may prescribe the duties of such Officers and may assign districts to such Officers, and may license or cause to be licensed venders of Stamps, and may direct how and under what conditions Stamps may be supplied to such venders for sale.

Appointment of Officers for collection of Revenue.

Licensed Stamp venders.

XX. Every vender of Stamps shall at all times have his license, together with the Schedules annexed to this Act, in the vernacular language of the District, stuck up in a conspicuous situation in the place where he sells the Stamps, on pain of a fine not exceeding fifty Rupees.

Licenses and Schedules to be stuck up in Stamp vender's shop.

XXI. Every vender of Stamps shall write on some convenient part of each Stamp which he issues, except Stamps used for Receipts or for Bills of Exchange, Promissory Notes, Drafts, or other Orders for money, Banker's agreements for loans, or Bills of lading, the date of issue, the name of the person to whom it is issued, and his own ordinary signature, on pain of a fine not exceeding one hundred Rupees.

Endorsement by vender on Stamp when issued.

XXII. Any vender who shall knowingly write a false date or name on the back of any Stamp, shall be punished by a fine not exceeding five hundred Rupees, or imprisonment not exceeding three months, or both.

Penalty for false endorsement.

XXIII. Every vender of Stamps shall, without delay, deliver any Stamp which he has in his possession for sale on demand by any person tendering the value in any currency which the vender is duly authorized to receive in payment for Stamps, on pain of a fine not exceeding one hundred Rupees.

Delay by Stamp vender in issuing Stamps.

XXIV. Any vender who demands or accepts for any Stamp any consideration other than the value thereof in such currency as he is duly authorized to receive in payment for Stamps, shall be punished by a fine not exceeding one hundred Rupees.

Stamp vender accepting any consideration other than that authorized.

XXV. Any

Stamp vender accepting any consideration exceeding the value of the Stamp.

XXV. Any vender who demands or accepts for any Stamp any consideration exceeding the value of such Stamp, shall be punished by imprisonment for a period not exceeding six months, or by a fine not exceeding ten times the value so demanded or accepted, or by both, and it shall be in the discretion of the Court or Officer passing the sentence to direct the value of the excess to be refunded out of such fine to any person from whom such excessive consideration may have been accepted.

Illegal sale of old Stamps.

XXVI. Any vender or other person who, after any period which may have been appointed by the Governor-General in Council for the commencement of the use of new Stamps, sells any old Stamps, shall be punished by a fine not exceeding one hundred Rupees.

Stamp vender refusing or omitting to render accounts.

XXVII. If any vender refuses or omits to render any accounts required by the provisions of any bond he may have entered into, or to permit the Collector of the Stamp Revenue of the District or any Officer duly authorized by him to inspect his accounts, or to examine the store of Stamps in his possession, it shall be lawful for the said Collector to proceed against the said vender for the recovery of the value of the balance of Stamps standing against the vender in the books of the said Collector, or for the recovery of the balance of money standing against the said vender in the said books, in the same manner as Collectors of Land Revenue are authorized by law to proceed against persons owing Revenue or rent to Government.

Delivery of Stamps &c. by vender on determination of his license.

XXVIII. Any vender who, upon the determination or resignation of his license, does not, within such reasonable time as shall have been prescribed by the Collector of the Stamp Revenue of the District, make over to some Officer duly authorized to receive them, accounts of all his transactions in relation to Stamps, kept according to the provisions of any bond he may have entered into, together with any Stamps remaining, or which ought to be remaining in his hands, and any balance of cash which may be due from him to Government on the above mentioned accounts, shall be liable to a fine not exceeding five hundred Rupees; provided always that no vender shall, by the payment of such fine, be exempt from any punishment provided by law for any embezzlement of which he may have been guilty, or from such proceeding as by Section XXVII of this Act the

Collector

Collector of the Stamp Revenue of the District is empowered to adopt for the recovery of the value of any Stamps or balance of cash remaining in the hands of or standing against such vender.

On death of Stamp vender unsold Stamps &c. to be delivered to a duly authorized Officer.

XXIX. Upon the death of any vender, his executors or administrators, or in case there be no executor or administrator any other person in possession of his effects, shall, upon demand being made by the Collector of Stamp Revenue or any Officer duly authorized by him, make over within a reasonable time to such Collector or Officer any Stamps which the deceased vender may have received and not have issued at the time of his death, and any accounts of the transactions of the deceased vender in relation to Stamps which may have been kept according to the provisions of any bond such vender may have entered into, of which Stamps and accounts such executor, administrator, or other person may have the possession, or be able to obtain the possession, on pain of a fine not exceeding five hundred Rupees.

Proceedings against sureties of Stamp vender.

XXX. In any of the cases specified in the preceding Sections the Collector of the Stamp Revenue of the District may call upon the surety or sureties of the vender, or any of them, to make good the value of the balance of Stamps standing against the vender in the books of the said Collector, or the balance of money standing against the vender in the books of the said Collector, and on his or their failure to do so, may proceed against all or any of them for the recovery of the value of the balance of Stamps or for the recovery of the balance of money as aforesaid, in the same manner as Collectors of Land Revenue are authorized by law to proceed against the sureties of persons owing Revenue or rent to Government.

Unlicensed sale of Stamps.

XXXI. No person not being a licensed vender of Stamps duly appointed shall sell any Stamp unless it has been in an authorized manner obtained for use and not for sale, under pain of a fine not exceeding one hundred Rupees; provided that nothing in this Section shall be held to apply to any adhesive Stamp.

Renewal of damaged or spoiled Stamps.

XXXII. *First.*—If any stamped paper, parchment, vellum, or the like, after having been obtained in the regular manner, shall have become damaged, spoiled, or unfit for use, either by any accident happening to the same, or because of error in the drawing up or copying any Instrument or Writing thereupon, which being discovered before

such

such Instrument or Writing may be finally signed and executed, renders the same of no avail, or when by reason of the death or refusal of the party or parties whose signature may be necessary to effect the transaction intended by such Instrument or Writing it remains incomplete and of no avail, or when by the refusal of any office or trust that may be granted by an Instrument or Writing it has failed of the purpose intended, or in the case of Promissory Notes, Bills of Exchange, or the like, if by non-delivery to the payee or person acting on his behalf, or from other cause, the same are never brought to use, and in the case of Bills of Exchange if they shall not have been presented for acceptance; in all such cases it shall be competent to the Collector of the Stamp Revenue of the District duly appointed as above provided, upon delivery being made of the Stamped paper, parchment, vellum, or the like so damaged, spoiled, or rendered unfit for use, to cause similar Stamps or Stamps of equal value to be delivered as above provided to the owner of the article or articles so damaged, spoiled, or rendered unfit for use, or to his representative, upon payment of the value of the paper, parchment, vellum, or other material on which the new Stamp may be impressed. But the rule contained in this Section shall not extend to Bills of Exchange drawn in sets, of which any one of the set may have been delivered to the payee.

Application for renewal.

Second.—The owner of any Stamp which may be damaged, spoiled, or rendered unfit for use as aforesaid, shall prefer his application to the Collector of Stamp Revenue of the District in which he may have purchased it, and if the Collector be of opinion that the application ought to be complied with, he shall deliver or cause to be delivered, subject to the provisions of this Act, to the party or his representative, a Stamp similar to that which has been damaged, spoiled, or rendered unfit for use. Provided that the application be made within one year of the period when the Stamp may have become damaged, spoiled, or rendered unfit for use.

Fraudulently counterfeiting or uttering Stamps.

XXXIII. Any person who fraudulently counterfeits any Stamp, or who alters any Stamp with the intention that it shall pass for a Stamp of greater value, or makes or uses any die for either of the above purposes, or who fraudulently issues or exposes for sale any counterfeit Stamp or any Stamp altered as above described, or who fraudulently uses any counterfeit Stamp or any Stamp altered as aforesaid, shall be punished by imprisonment with or without hard labor for a term not exceeding four years or by transportation for a term not exceeding seven years.

XXXIV. No

Stamps on certain affidavits.

XXXIV. No Justice of the Peace or any Officer, before whom an affidavit not made for the immediate purpose of being filed, read, or used in any Court of Law may be taken, shall receive or attest such affidavit unless it be written on a Stamp of not less than the value prescribed in Schedule A annexed to this Act.

Conveyance to state truly the amount of the purchase money.

XXXV. From the time when this Act shall come into force, in all cases of the sale of any lands, annuities, or other property, real or personal, moveable or immoveable, or of any right, title, interest, or claim in any such property, when a Duty is imposed by this Act on the conveyance thereof, the full purchase or consideration money directly or indirectly paid or secured or agreed to be paid for the same, shall be truly expressed and set forth in words at length in the principal Deed, Instrument, or Writing, whereby the property sold shall be conveyed to or vested in the purchaser or in any other person; and if the full purchase or consideration money shall not be fully and truly expressed and set forth in the manner above directed, the purchaser and seller shall each forfeit a sum not exceeding five hundred Rupees, and be charged with the payment of five times the amount of the excess of Duty which would have been payable for the said Deed, Instrument, or Writing in respect of the full purchase or consideration money, if the same had been duly expressed in the said Deed, Instrument, or Writing beyond the amount of Duty actually paid for the same.

Penalty if person employed to prepare a Conveyance inserts a less sum than the true purchase money.

XXXVI. If any person shall knowingly and wilfully insert or set forth in such Deed, Instrument, or Writing, any less amount than the full and true purchase or consideration money directly or indirectly paid or secured or agreed to be paid for the same, he shall incur the penalties prescribed in the last preceding Section.

Prosecution only to be by Collector of Stamp Revenue, &c.

XXXVII. No person shall be proceeded against for any offence affecting the Public Revenue under this Act except at the suit or prosecution of the Collector of the Stamp Revenue acting under the orders of the Board of Revenue, or other Authority charged by Government with the duty of carrying out the provisions of this Act, or other Public Officer duly authorized by Government.

Offences cognizable by Magistrate or Justice of the Peace.

XXXVIII. Every offence punishable by this Act, except the offences punishable by Section XXXIII, shall be tried by any Magistrate or Justice of the Peace.

XXXIX. The

Offences cognizable by other tribunals or other Officer.

XXXIX. The offences punishable by Section XXXIII shall be tried by the Court having jurisdiction over the same, whether it be the Supreme Court of Judicature or the Session Judge

Imprisonment in case of non-payment of fine.

XL. If any person sentenced to any fine under the provisions of this Act, shall not pay the fine to which he shall be sentenced, it shall be lawful for the Officer or Court who tried him, to issue his or their warrant to levy the amount by distress and sale of the goods and chattels of the party fined, or to sentence the offender to imprisonment until the payment of the fine, or the expiration of a term to be assigned, not exceeding three months, whichever shall first take place.

Interpretation.

"Stamp"

"Bill of Exchange."

"Value."

XLI. Throughout this Act and the Schedules annexed to it, the word "Stamp," except when the contrary shall appear from the context, is used to signify a stamped piece of paper or other stamped material for writing on; the term "Bill of Exchange" shall include a Hoondee or any other Instrument of a like nature; and by the "value" of a Stamp is meant a sum indicated by words or figures duly impressed upon such piece of paper or other materials.

Commencement of Act.

XLII. This Act shall come into force from the 1st of October 1860.

ACT No. XXXVI OF 1860.

SCHEDULE A.

Specifying Deeds, Instruments, and Writings which require Stamps, and indicating the proper Stamps for those Deeds, Instruments, and Writings.

	PROPER STAMPS.
1. Agreement, Ikrar, or any Minute or Memorandum of an Agreement; such Agreement, Minute, or Memorandum not being otherwise provided for in this Schedule, whether the same be only evidence of a contract or obligatory upon the party—	
If relating to matters capable of valuation, and with the value stated	The same Stamp as for a Bond for the payment of the amount of the value stated.
If for an annual or any periodical payment	The same Stamp as for a Bond for the amount of ten years' payment, or of the total sum secured if less.
If for the performance of any legal act, or for a purpose not restricted to, nor specifying any amount ...	An optional Stamp—See Section XIV of the Act.
Agreements for loans by Bankers made for short periods upon the deposit of Notes or other Securities of the Government of India, with or without a deposit of the Acceptance or Promissory Note of the borrower, provided that no such agreement is drawn in the form of a Bond or of a Bill of Exchange or Promissory Note or in any such way as would render it a negotiable Instrument passing by endorsement, for whatever amount, in case such loan shall not exceed one month, the uniform Stamp of ...	2 Rupees.
And in case such loan is for a period exceeding one month or not exceeding three months	4 Rupees.

	Proper Stamps.
Exemptions.	
Agreement for the hire of any Laborer, Artificer, Manufacturer, or menial Servant.	
Agreement, Memorandum, or Letter made for or relating to the sale of any Goods, Wares, or Merchandize.	
2. Affidavits and solemn declarations not made for the immediate purpose of being filed, read, or used in any Court of Law, per sheet...	1 Rupee.
3. Assignments, if not of the nature specified under the heads of Conveyances and Settlements, nor specially exempted—	
In cases where the Assignment is of any interest secured by an original Deed or Instrument on a Stamp of a value less than eight Rupees ...	The same Stamp as the original Deed.
In other cases ...	8 Rupees.
Exemption.	
All transfers by mere endorsement of Bills of Exchange, Promissory Notes, and other negotiable Instruments; and of Bills of Lading; and tranfers by Assignment of Policies of Assurance.	
4. Bills of Exchange, Letters of Credit, Drafts, Cheques on Bankers or others, Promissory Notes, Hoondees, and other orders and obligations for the payment of money, not being Bonds, or Instruments, or Writings, bearing the attestation of one or more witnesses—	
If payable to the bearer or to order on demand, and bearing the date on which the draft or order is made, except Bank Notes payable to bearer on demand ...	*Rs.* 0 *As.* 1
If the sum payable does not exceed 50 Rupees ...	0 ½

	Proper Stamps.			
	Inland and Foreign if drawn singly.		Foreign if drawn in sets of three, each to be Stamped.	
If payable at any period not exceeding one year after date or sight, then—	Rs.	As.	Rs.	As.
Bills not exceeding 100 Rupees.	0	1	0	1
Above 100 and ditto 250 „	0	3	0	1
„ 250 ditto 500 „	0	6	0	2
„ 500 ditto 1,000 „	0	12	0	4
„ 1,000 ditto 2,500 „	1	8	0	8
„ 2,500 ditto 5,000 „	3	0	1	0
„ 5,000 ditto 10,000 „	6	0	2	0
„ 10,000 ditto 20,000 „	12	0	4	0
„ 20,000 ditto 30,000 „	18	0	6	0
„ 30,000 and upwards,	24	0	8	0

5. Any of the Instruments described in No. 4, payable at a period exceeding one year after date or sight, ... } The same Stamp as for Bonds for the payment of the same amount.

6. Bills of Lading of or for any Goods, Merchandize, or effects to be exported ... *Rs.* 0 *As.* 4 for each part of every set.

7. Bills of Sale—See Conveyance and Mortgage.

8. All Bonds or other obligations for the payment of any definite or certain sum of money not otherwise charged for or expressly exempted from the payment of Stamp Duty in this Schedule.

	Rupees.	*Annas.*
If for any sum not exceeding 50 Rs.	0	4
Above 50 Rs. and not exceeding 100 „	0	8
„ 100 „ ditto 200 „	1	0
„ 200 „ ditto 300 „	2	0
„ 300 „ ditto 500 „	4	0
„ 500 „ ditto 700 „	5	0
„ 700 „ ditto 1,000 „	6	0
„ 1,000 „ ditto 2,000 „	10	0
„ 2,000 „ ditto 3,000 „	15	0

	PROPER STAMPS.	
	Rupees.	*Annas.*
Above 3,000 Rs. and not exceeding 5,000 Rs.	25	0
" 5,000 " ditto 10,000 "	35	0
" 10,000 " ditto 20,000 "	60	0
" 20,000 " ditto 40,000 "	100	0
" 40,000 " ditto 60,000 "	125	0
" 60,000 " ditto 80,000 "	150	0
" 80,000 " ditto 1,00,000 "	200	0
And for every further part of a lac, ...	100 Rupees.	
And for every further full lac, ...	200 "	
9. Bonds or other obligations, concerning respondentia and bottomry, ...	The same Stamp as for a common money Bond for the like amount.	
10. Bonds or other obligations given as security for the transfer of Government Securities or Stock of any public Company or for the delivery or accounting for any matter or thing capable of being valued, ...	The same Stamp as for a Bond for the payment of the amount engaged to be paid or accounted for, or of the value of the thing to be delivered or transferred.	
11. Bonds or other obligations for an annual or any periodical payment, not being interest upon any principal sum secured by the Bond whether for a fixed or for an indefinite period,	The same Stamp as for a Bond for the payment of a sum equal to ten times the yearly payment, or of the total sum secured, if less.	
12. Bonds or other obligations when the amount of the money to be secured is not specified, ...	An optional Stamp—See Section XIV of the Act.	
When the amount is limited to a certain sum,	The same Stamp as for a Bond for the payment of such limited sum.	
13. Bonds or other obligations for the due execution of an office or work, taken by individuals, and all other Bonds not otherwise specially provided for, ...	An optional Stamp—See Section XIV of the Act.	
14. Bonds or other obligations taken as collateral security with some Deed or Instrument executed on the Stamp prescribed for Conveyances or Money Bonds, or as security for the performance of any other contract, covenant, or agreement not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand, ...	The same Stamp as the Deed, Instrument, Contract, Covenant, or Agreement, if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.	

	PROPER STAMPS.
15. Security Bonds or other obligations which may be taken by or by order of any Court, Collector, or other Judicial or Revenue Authority, also Razeenamahs, Sooluhnamahs, and Rufanamahs, filed in any suit pending in a Court of Justice.	To be charged as specified and prescribed in Schedule B.
16. Charter-parties, or any agreement or contract for the Charter of any Sea-going Ship or Vessel, or any memorandum, letter, or other writing between the Captain, Master, or Owner of any such Ship or Vessel, and any other person, for or relating to the freight or conveyance of any money, goods, or effects on board of such Ship or Vessel, ...	2 Rupees.
17. Composition Deeds or other Instruments of composition between a debtor or debtors and his, her, or their creditors, ...	8 Rupees.
18. Contracts and Deeds, if not otherwise specially provided for, ...	As agreements.
19. Conveyances or Deeds or Instruments of any kind or description whatsoever, executed for the sale or transfer, for a consideration, of any lands, tenements, rents, annuities, or other property, real or personal, moveable or immoveable, or of any right, title, or claim to or upon, or interest in, any lands, houses, rents, annuities, or other property, that is to say, for or in respect of the principal or only Deed, Instrument, or Writing whereby the property sold shall be conveyed to or otherwise vested in the purchaser or purchasers, or to some other person by his, her, or their directions.	

	PROPER STAMPS.	
	Rs.	*As.*
When the purchase or consideration money therein expressed or denoted shall not exceed one hundred Rupees. ...	1	0
Above 100 Rs. and not exceeding 200 Rs.	2	0
„ 200 „ ditto 400 „	4	0
„ 400 „ ditto 800 „	8	0
„ 800 „ ditto 1,200 „	12	0
„ 1,200 „ ditto 2,000 „	20	0
„ 2,000 „ ditto 3,000 „	30	0
„ 3,000 „ ditto 4,000 „	40	0
„ 4,000 „ ditto 5,000 „	50	0
„ 5,000 „ ditto 7,500 „	75	0
„ 7,500 „ ditto 10,000 „	100	0
„ 10,000 „ ditto 20,000 „	150	0
„ 20,000 „ ditto 40,000 „	200	0
„ 40,000 „ ditto 60,000 „	300	0
„ 60,000 „ ditto 80,000 „	400	0
„ 80,000 „ ditto 100,000 „	500	0
And for every further, 50,000 „	200	0
Or part thereof, ...	100	0
Conveyances when the consideration is an annuity, ...	The same Stamp as for a Conveyance when the purchase money is equal to ten times the annuity.	
Conveyances of any kind whatever not otherwise charged, if the value of the property conveyed or of the consideration for the Conveyance be stated or appear on the face of the Conveyance, ...	The same Duty as would be charged if a consideration in money equal to such value were expressed in the Conveyance as the consideration thereof.	
If no value appear on the face of the Conveyance, ...	Fifty Rupees.	

NOTE.—When of several Deeds, Instruments, or Writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed. In all cases, however, where there are more Deeds than one, every other Deed than the principal requires the same Stamp

	PROPER STAMPS.	
as the principal Deed, if of value not exceeding eight Rupees (which shall be the maximum Stamp for collateral Deeds), and all such collateral Deeds shall specify by their contents which other is the principal Deed by which the Conveyance has been effected, certifying that it is executed on the proper Stamp.		
Transfers of the shares of any Banking Corporation or any Joint Stock Company, by endorsement or otherwise, when the full nominal value of the share so transferred does not exceed 100 Rupees, per share, ...	*Rupees.* 0	*Annas.* 4
When the value exceeds 100 Rs. and not 200 Rs. ...	0	8
When the value exceeds 200 Rs. and not 300 Rs. ...	0	12
When the value exceeds 300 Rs. and not 400 Rs. ...	1	0
and for every additional value of 100 Rs. a further Duty of 4 annas, and for the transfer of every quarter or half of any such share, a corresponding rate of Duty.		
EXEMPTION.		
All transfers of subscription to any of the Government Loans, or other Government Securities.		
20 CO-PARTNERSHIP.—Deeds or other Instruments of— ...	8	0
21. COPIES.—Copy or Extract of any Deed or Instrument attested to be a true copy or extract and furnished for the purpose of being given in evidence for the recovery of any sum of money, property, interest, or right secured thereby ...	The same Duty as prescribed for the original Deed by this Act.	

	PROPER STAMPS.	
	Rupees.	*Annas.*
22. Where such copy may be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under the agreement, contract, bond, deed, or other instrument, per sheet ...	0	8
23. Copy or Extract of any Deed, Instrument, Schedule, Receipt, or other matter annexed to any agreement, contract, bond, deed, or other instrument, per sheet ...	0	8
24. Copies authenticated of any records, letters, accounts, statements, reports, or other writings, furnished to individuals from any of the Public Offices of Government, per sheet ...	0	8
For copies of Revenue and Judicial Papers to be given from the Courts of Justice, Revenue Kutcherries, &c. ...	See Schedule (B).	
EXEMPTION.		
Copies of papers which Public Officers are directed by any law or general regulation to make, require, or furnish, for which Stamps are not specially required by this Schedule.		
25. Deeds of gift and dower whether to take effect on the instant, or at a future period, determinate or indeterminate ...	The same Stamp as for Conveyances.	
26. Deeds of any kind not otherwise particularized in this Schedule	As Agreements.	
27. EXCHANGES.—Any Deed or Instrument whereby any real property shall be conveyed or surrendered in exchange for other property— ...	The same Stamp as for Conveyances.	
28. Engagements to cultivate, produce, provide, or derive any article of commerce in consideration of advance made ...	Shall be charged on the amount advanced at the rate of Bonds.	

	Proper Stamps.	
29. Leases.—Any lease made in perpetuity, or for a term of years, or period determinable within one or more lives, or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent ...	The same Stamp as for a Conveyance or Deed of Sale for a sum of the amount of such consideration.	
30. Any lease of lands, houses, or other real property at a rent, without any payment of any sum of money by way of fine or premium—	When the lease is for a period not exceeding one year.	When the lease is for a period exceeding one year.
	Rs. As.	Rs. As.
Where the rent calculated for a whole year shall not exceed 24 Rupees ...	0 4	0 8
Exceeding 24 Rupees but not exceeding 50 R	0 8	0 12
„ 50 „ „ 100 „	0 12	1 0
„ 100 „ „ 250 „	1 0	2 0
„ 250 „ „ 500 „	2 0	4 0
„ 500 „ „ 1,000 „	4 0	8 0
„ 1,000 „ „ 2,000 „	8 0	16 0
„ 2,000 „ „ 4,000 „	16 0	32 0
„ 4,000 „ „ 6,000 „	24 0	48 0
„ 6,000 „ „ 10,000 „	40 0	80 0
„ 10,000 „ „ 25,000 „	100 0	200 0
„ 25,000 „ „ 50,000 „	200 0	400 0
and for every additional 25,000 or part thereof,	100 0	200 0
31. Any lease of lands, houses, or other real property at a rent for an indefinite term, and without any payment of any sum of money by way of fine or premium ...	The same Stamp as for a lease for a period exceeding one year.	
32. Any Lease of lands, houses, or other real property, stipulating for a rent, and granted in consideration of a fine or premium ...	A Stamp of value equal to the joint values of the Stamps for a Conveyance in consideration of the fine, and a lease for the rent.	
33. The counterpart of any Lease, or a Kubooleut or the like ...	The same Stamp as for the lease.	

Exemptions.

All Leases, Pottahs, and Kubooleuts executed and exchanged with ryots, and other actual

	PROPER STAMPS.
cultivators of the soil, provided that no fine or premium be paid and no Security Bonds executed as part of the same transactions.	
(For Madras and Bombay.)	
Every Lease and its counterpart (Pottah and Kubooleut) or other engagement contracted between landlord and tenant, relative to lands subject to the payment of Revenue to Government.	
34. Letters, or powers of Attorney, Mooktarnamahs, &c., not being of the kinds provided for in Schedule B—	
For the performance of any special act or acts, or of the acts connected with any one particular suit, case, or transaction ...	*Rupees.* 0 *Annas.* 8
General, that is not restricted as above	4 0
Warrant of Attorney to confess judgment, or Cognovit, unless taken as collateral security for the payment of any sum of money secured by another Instrument stamped with an ad valorem Stamp under this Act, ...	The same stamp as for a Bond.
If given as such collateral security as above mentioned. ...	Five Rupees.
NOTE.—For Wakalutnamahs, Mooktarnamahs, and other powers required to be filed for the conduct of suits, regular or summary, or proceedings of any kind pending before the Courts of Judicature or before the Revenue Authorities ..	See Schedule (B)
35. Letters of license from creditors to debtors ...	*Rupees.* 8 *Annas.* 0

	PROPER STAMPS.	
44. Policy of Insurance of any ship, vessel, sloop, lighter, boat, or the like, or of any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter, boat, or the like, or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed two per centum on the sum insured, if the whole sum insured shall not exceed one thousand Rupees, ...	*Rupees* 0	*Annas.* 8
If the sum insured exceed one thousand Rupees, then for every one thousand Rupees, and also for any fractional part of one thousand Rupees whereof the same shall consist, ...	0	8
Where the premium shall exceed two per cent on the sum insured, if the whole sum shall not exceed one thousand Rupees, ...	1	0
If the sum insured exceeds one thousand Rupees, then for every one thousand Rupees and also for any fractional part of one thousand Rupees whereof the same shall consist, ...	1	0
Promissory Notes, ...	See Bills of Exchange.	
45. Promissory Notes for the payment of any sum by instalments, that is Kistbundies, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain, ...	The same Stamp as for a Bond for the payment of the whole amount.	
46. Protest of any Bill of Exchange or Promissory Note for any sum of money, or any Notarial Act not otherwise charged or exempted in this Schedule, ...	*Rupees* 2	*Annas.* 0
47. Receipts or discharges given for the payment of money or in acquittal of a debt paid in money or otherwise, when the sum received, discharged, or acquitted, amounts to ten Rupees and does not exceed fifty Rupees, ...	0	½
If the sum exceeds fifty Rupees, ...	0	1

PROPER STAMPS.

EXEMPTIONS.

(For the Presidency of Bengal.)

Receipts or discharges with respect to the rent of land paying Revenue to Government, granted to any ryot or other actual cultivator for the rent of land tilled by him.

(For the Presidencies of Madras and Bombay.)

Receipts or discharges with respect to the rent of land paying Revenue to Government granted to any tenant for the rent paid by him.

GENERAL EXEMPTIONS.

Receipts or discharges written upon Promissory Notes, Bills of Exchange, Drafts, or Orders for the payment of money, duly stamped.

Letters sent by the post acknowledging the arrival of any Promissory Notes, Bills of Exchange, or other securities for money.

Receipts or discharges written upon or contained in any Mortgage Deed, or other security or any Deed of Conveyance, Settlement, Personal Bond, or other Instrument duly stamped, acknowledging the receipt of the consideration money therein expressed or the receipt of any principal money, interest, or annuity thereby charged.

Receipts given for money deposited in any Bank, or in the hands of any Banker, to be accounted for, whether with interest or not, provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be account-

	PROPER STAMPS.
36. MORTGAGES.—Any deed of mortgage or of conditional sale with or without possession given, of or for any lands, estates, or property, real or personal, intended as a security for money due or to be lent thereupon; also any deed or contract accompanied with a deposit of title deeds to any property, where the same may be made as security for payment of money due or lent at the time, ...	The same Stamp as for a Bond for the payment of the amount due or lent.
37. Re-conveyance of mortgaged property,	The same Stamp as for Assignments.
38. Release of an equity of redemption,	The same Stamp as for Conveyances.
39. Deeds of mortgage, or the like, given as security for the transfer of Government Securities or for the payment of an annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued, ...	The same Stamp as for a Bond for the payment of the total amount assured, or for the *bonâ fide* value.
40. Deeds of mortgage given for the security of annuities for an indefinite period, such as life annuities, ...	The same Stamp as for ten times the annual payment.
Where it may be stipulated that the amount secured by such mortgage shall not exceed a certain sum, ...	The same Stamp as for deeds of mortgage of such limited sum.
Where the total amount secured by the mortgage is unlimited, ...	An optional Stamp—See Section XIV of the Act.
Where a Bond may have been already taken for the amount secured, or where from any other cause the mortgage shall act merely as a collateral security to some other transaction in which an Instrument requiring a Stamp has been executed, ...	The same Stamp as for the Bond or other Instrument, if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.
Where there are more Deeds than one required to execute the mortgage in the manner desired by the parties, then for every other Deed than the principal Deed, provided the original Deed has been duly stamped, ...	The same Stamp as for the principal Deed, if of value not exceeding eight Rupees; in other cases a Stamp of eight Rupees.

	PROPER STAMPS.	
41. Mortgages, assignments, or acknowledgments granted for loans or advances made on the deposit of Government Securities, bullion, plate, jewels, or other goods, ...	The same Stamp as for Promissory Notes.	
42. Partitions by private agreement or made by Public Officers, of estates or property, real or personal, or in the nature of separation of brotherhood, as amongst Hindoos, for every such sharer's copy of the deed of partition—		
	Rupees.	*Annas.*
When the sharer's portion does not exceed one hundred Rupees in value, ...	0	8
Exceeding 100 Rs., and not exceeding 200 Rs..	1	0
" 200 " ditto 400 "	2	0
" 400 " ditto 600 "	4	0
" 600 " ditto 800 "	6	0
" 800 " ditto 1,000 "	8	0
And for every additional four hundred Rupees, or part thereof, ...	2	0
When the subject of the partition, consisting either wholly or in part of other property than money, and money, not being part of such subject, is paid, or agreed to be paid for the purpose of compensating any difference from just proportion in the partition actually made of that subject, ...	A Stamp of value equal to the joint values of the Stamp which would have been required had the subject of partition been actually divided with the just proportion, and of the Stamp for a Conveyance or Deed of Sale for a sum equal to the amount so paid, or agreed to be paid, for the purpose of compensating the difference therefrom.	
43. Policy of Assurance or Insurance, or other Instrument, by whatever name the same shall be called, whereby an Insurance shall be made upon any life or lives, or upon any event depending upon any life or lives—		
	Rupees.	*Annas.*
For every sum of one thousand Rupees and also for each and every fractional part of one thousand Rupees, ...	0	8

	PROPER STAMPS.
ed for. Provided always that this exemption shall not extend to receipts or acknowledgments for sums paid or deposited for or upon letters of allotment of shares, in respect of calls upon any scrip or shares of or in any Joint Stock or other Company, or proposed or intended Company, which such last mentioned receipts or acknowledgments, by whomsoever given, shall be liable to the Duty charged upon receipts.	
48. Schedules referred to in any Agreement, Lease, Bond, Deed, or other Instrument, for every thousand words, or part thereof, ...	*Rupees.* 10 *Annas.* 0
49. Settlements, Marriage Settlements, &c., namely any Deed or Instrument whereby any sum or sums of money, or any Government Securities or other property, real or personal, shall be settled, or agreed to be settled, upon or for the benefit of any person or persons, in any manner whatsoever.	The same Stamp as for a Bond for the payment of the amount or value settled or agreed to be settled; or in cases in which the value shall be indeterminate, an optional Stamp—See Section XIV of the Act.

EXEMPTION.

Wills, Testaments, and the like, together with Deeds merely declaratory of trust or appointment or apportionment or otherwise, in execution of powers or pursuant to any previous Settlement, Deed, or Will.

GENERAL EXEMPTION AND RULE.

Deeds, Instruments, and Writings of any kind, in which Government, or any Board, Commission, Court, or Public Officer may, in a public capacity, be a party, do not require Stamps.

NOTE.—The foregoing exemption does not extend to Deeds, Intruments, and Writings executed to or by the Court of Wards, Local

	PROPER STAMPS.
Agents, or Officers acting under their authority, or to or by any Administrator General; neither does it extend to sales made for the recovery of arrears of revenue or rent, or in satisfaction of decrees or orders of Court, in which cases the purchasers shall be required to pay, along with the purchase money, the price of the requisite Stamp, or else provide such Stamp, and shall receive from the Officer conducting the sale a Deed of Sale (Byenamahs) executed on the proper Stamp.	
Any Deed, Instrument, or Writing required by the foregoing Schedule to be Stamped may be written on one or more Stamps if the value of the Stamps used amount to the value required by the Schedule.	
Deeds for securing gifts or dispositions made by previous Settlements, Deeds, or Wills.	

SCHEDULE B.

Referred to in Section XVI of the Act, containing the Specification of Duties chargeable on Law Papers.

1. Bail or Security Bonds (Hazir or Fial Zamin) whether of specified amount or with a penalty of a specific sum of money or of indefinite amount, when furnished and filed under special order of a Civil Court or of any Revenue Officer exercising Judicial powers, ...	To be charged as Petitions.
When executed between individuals not by order of Court, ...	To be charged as Bonds—See Schedule (A).
2. Copies of Judgments and Decrees when passed in any Court below the Sudder Dewanny Adwalut in all regular suits of which the value of the claim amounts to fifty Rupees—per sheet. ...	*Rupees.* 1 *Annas.* 0

	Proper Stamps.	
	Rupees.	*Annas.*
When passed in the Sudder Dewanny Adawlut in any regular suit—per sheet ...	4	0
3. Copies of Revenue and Judicial proceedings or Orders, or Copies of Accounts, Statements, Reports, or the like filed on record and taken out for use or reference, or when left on proceedings in place of originals withdrawn—per sheet, ...	0	8
And each sheet shall be of a size not exceeding that fixed for copy paper (No. 3 of the Stamp Office) and shall be written on one side thereof only.		
4. Mooktarnamahs, Wakalutnamahs, and other powers, filed or presented for the conduct of suits, regular or summary, of cases or proceedings of any kind pending before any Civil or Criminal Court or before the Revenue Authorities—		
When presented to any Sudder Court, ...	2	0
When presented to any Board of Revenue or Board or Commissioner of Customs, Salt, and Opium, ...	2	0
When presented to any Court, Civil or Criminal, other than the Sudder Court, or to any Collector or other Revenue Officer, ...	0	8
Exemptions.		
Mookhtarnamahs executed by Officers or Soldiers of the Army.		
Counsel admitted in any case by any Criminal Court to appear on behalf of a prisoner without a written Mookhtarnamah.		

	PROPER STAMPS.	
	Rupees.	*Annas.*
5. Petitions of appeal not being from an order rejecting a plaint or from a decree or order having by any law the force of a decree; petitions or applications presented to any Civil Court, in relation to any matter cognizable by such Court, shall be written upon Stamp paper of the following value, namely,		
When presented to the Sudder Court, ...	2	0
When presented to any Court below the Sudder Court, ...	0	8
SPECIAL RULE FOR BENGAL.		
Petitions or applications not falling within any of the Exemptions of this Schedule, presented to the Nizamut Adawlut or to the Board of Revenue or Customs, Salt, and Opium, ...	2	0
Petitions or applications not falling within any of the Exemptions of this Schedule, presented to any other Criminal Court or to any other Revenue Office, ...	0	8
GENERAL EXEMPTIONS.		
Petitions or applications presented to any Moonsiff's Court in relation to any suit or case of an amount or value less than fifty Rupees, or to a Collector or Deputy Collector in relation to any suit or case of the same amount or value tried under Act X of 1859.		
Applications for the summons of a witness or other person to attend either to give evidence or to produce a document or in respect of the production or filing of any exhibit.		
Petitions of appeal presented to Magistrates against Chowkeedary assessment.		

	PROPER STAMPS.
Communications made to Magistrates in regard to Police matters not intended for record.	
Petitions to Collectors or Officers making settlements relating to matters connected with the assessment of lands, the ascertainment of rights, or to other matters affecting the settlement of the Government revenue on lands, if presented pending the formation of such settlements.	
Petitions to Boards or Commissioners of Revenue relating to the same.	
All Petitions, applications, charges, and informations respecting crimes and offences.	
Petitions from prisoners, convicts, persons under examination or otherwise in duress, or under restraint of the Court or its Officers.	
EXEMPTIONS FOR THE PRESIDENCIES OF MADRAS AND BOMBAY.	
No petition or application to the Revenue Authorities need be presented on Stamp Paper, except as prescribed in the Special Rule given at the close of this Schedule with respect to cases that fall within Regulation VI. 1828 of the Bombay Code.	
6. PLAINT.—Petition of, in suits and appeals not otherwise provided for, instituted in any Civil Court not within the local limits of the jurisdiction of the Courts established by Royal Charter, for the recovery of any sum of money or to obtain possession of any interest, matter, or thing—	

	Proper Stamps.	
	Rupees.	*Annas.*
Scale for Plaints.		
If the amount or value of the property claimed shall not exceed 16 Rs.	1	0
Above 16 Rupees and not exceeding 32 „	2	0
Do. 32 „ „ 64 „	4	0
Do. 64 „ „ 150 „	8	0
Do. 150 „ „ 300 „	16	0
Do. 300 „ „ 800 „	32	0
Do. 800 „ „ 1,600 „	50	0
Do. 1,600 „ „ 3,000 „	100	0
Do. 3,000 „ „ 5,000 „	150	0
Do. 5,000 „ „ 10,000 „	250	0
Do. 10,000 „ „ 15,000 „	350	0
Do. 15,000 „ „ 25,000 „	500	0
Do. 25,000 „ „ 50,000 „	700	0
Do. 50,000 „ „ 1,00,000 „	1,000	0
Do. 1,00,000	2,000	0

Petitions of plaint in suits instituted in the Courts of Collectors under Act X of 1859, shall be subject to the foregoing Duties.

NOTE.—*(a)*. Within the Presidency of Bengal in suits for lands paying revenue to Government, if forming one entire Mehaul, or a specific portion thereof with a defined jumma, the value shall be assumed in the Ceded and Conquered Provinces, including Cuttack, at the amount of the annual jumma payable to Government on account of the Mehaul or portion thereof as aforesaid; and where the land has been assessed in perpetuity, at three times the amount of the annual jumma.

(b). Within the Presidency of Madras, in suits for land paying Revenue to Government, the value of the property shall be assumed at the amount of the annual aggregate pro-

PROPER STAMPS.

duce of the land computed as payable by the dependent Talookdars, Under-Farmers, and Ryots on account of the year in which the suit may be preferred.

(c). Within the Presidency of Bombay, in suits for land paying Revenue to Government, the value of the property sued for shall be calculated at the amount of the annual assessment.

(d). In suits for Lakhiraj, Enam, or rent-free land, the value shall be calculated at eighteen times the aggregate annual rent payable by the ryots or other under-tenants of the land.

(e). In suits instituted for houses, gardens, and other things of value, real or personal, not of the descriptions above specified; as well as for any interest in Malgoozaree land or for any other right or thing not capable of valuation under the above rules, the amount shall be computed according to the estimated selling price, or when no such estimate can be made, at the sum at which the plaintiff shall estimate the value of his suit; and suits for damages or compensation for injury sustained and the like shall be valued at the amount claimed by plaintiff.

(f). If an appeal or plaint, which shall have been rejected by the Lower Court on any of the grounds mentioned in Act VIII of 1859, shall be ordered to be received, or if a suit shall be remanded in appeal for a second decision by the Lower Court, the Appellate Court shall grant to the Appellant a certificate authorizing him to receive back from the Collector the full amount of Stamp Duty paid on the petition of appeal.

	PROPER STAMPS.
7. Razeenamahs, Rufanamahs, Soolunamahs, or the like, that is to say:—	
Any written application whereby, or according whereunto, a suit pending in a Civil Court shall be adjusted, or be capable of adjustment, without an award of the presiding Judge or other Officer, ...	To be charged as in Petitions.
SPECIAL RULE FOR THE PRESIDENCY OF BOMBAY.	
Suits cognizable before Collectors under the operation of Chapter VIII Regulation XVII. 1827, as modified by Act XVI of 1838, shall be subject to the same rules in regard to Stamps, as are in force as above for the Courts of Civil Judicature.	
GENERAL RULE.—If the subject matter of any plaint, written statement, or petition, cannot be conveniently comprised within one Stamp Paper of the value above prescribed, one or more additional pieces of paper may be used of the value required for Petitions.	

ACT No. XXXVII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th August 1860.)

An Act to repeal Act XVI of 1859.

Preamble.

WHEREAS the Secretary of State in Council for India has, in pursuance of the power vested in him by law, disallowed Act XVI of 1859, and has signified to the Governor-General of India in Council his disallowance thereof: It is enacted as follows:—

Act repealed.

Act XVI of 1859 is hereby repealed.

ACT No. XXXVIII OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th August 1860.)

An Act to explain Act XXX of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.)

Preamble.

WHEREAS doubts have arisen whether certain debts contracted by Prince Azeem Jah Bahadoor during the infancy of the late Nabob of the Carnatic were debts or claims within the meaning of Section XIV or any subsequent Section of Act XXX of 1858; and whereas it is expedient to remove such doubts as well as other doubts which exist as to the power of the Supreme Court of Judicature at Madras to award costs in investigations under Section XXII of the said Act, and as to whether cases so investigated are appealable to Her Majesty in Council; and whereas Act XVI of 1859 removing such doubts has been repealed; It is declared and enacted as follows:—

Debts contracted by Prince Azeem Jah during the minority of the Nabob.

I. No debt contracted by the said Prince Azeem Jah Bahadoor during the minority of the said late Nabob shall be deemed a debt or claim within the meaning of the said Section XIV or any subsequent Section of the said Act, unless such debt was incurred by the said Prince Azeem Jah Bahadoor actually and *bonâ fide* on behalf and for the use of the said Nabob.

Power to award costs.

II. Upon any investigation under Section XXII of the said Act XXX of 1858, it shall be lawful for the Court, except as otherwise provided by the said Act, to award costs to either party and to

and to cause the same to be levied in the same manner as costs in an ordinary suit.

III. It is hereby declared that it was not the intention of the said Act to exclude from appeal to Her Majesty in Council any awards, orders, or decisions of the said Supreme Court made upon any investigation under Section XXII as aforesaid.

Appeal to the Queen in Council

ACT No. XXXIX of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 18th August 1860.)

An Act to amend Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices).

Preamble.

WHEREAS it is expedient to amend Act XXXII of 1860 (*for imposing Duties on Profits arising from Property, Professions, Trades, and Offices*): It is enacted as follows:—

Duties on Public Offices, Annuities, &c.

I. The Duties mentioned in Sections I and III of the said Act shall be collected and paid in respect of every public office or employment of profit in the territories of any Foreign Prince or State in alliance with Her Majesty, held by any public servant within such territories by virtue of an appointment made by any Government or public servant of Her Majesty in India, whether the salary or profits of such office or employment are paid out of, or derived from, the revenues of India or not.

Provisions of Act XXXII of 1860 applicable.

II. The several provisions, rules, and exemptions in the said Act relating to the said Duties in respect of public offices and employments, and annuities, pensions, and salaries payable by the Government of India, and to the assessment, reduction, and payment thereof, shall apply and extend to the said Duties in the first Section of this Act mentioned.

III. Whenever

Effect of postponement of the operation of Act XXXII of 1860.

III. Whenever the Governor-General of India in Council shall under Section CCXLIII of the said Act XXXII of 1860, postpone the period for the said Act to come into operation in any part of India, the operation of the said Act shall not be suspended in respect of the Duties payable for and in respect of any land or houses situate in such part of India, unless the same shall be specially exempted in the order for postponement, or for or in respect of any interest, annuities, or dividends payable out of the public revenues of India, or for or in respect of any office or employment of profit, or for or in respect of any annuity, salary, or pension payable in such part of India. But all the provisions, rules, and exemptions in the said Act relating to the said Duties mentioned in this Section shall take effect in respect thereof, notwithstanding such postponement, to the same extent and in the same manner as if no such postponement had taken place.

Oath of Secrecy

IV. Section XXXIII of the said Act, requiring that every Commissioner and Collector or other Officer employed in making any assessment under the said Act, shall before acting in execution of the said Act take an oath of secrecy, shall not apply or extend to any Ex-officio Assessor constituted by Section XXVI of the said Act for executing the said Act for the purpose of assessing and discharging the Duties thereby imposed in respect of interest on Securities in the Government of India, and the other Duties in the said Section referred to, or to the Ex-officio Assessors constituted by Sections XXVII, XXVIII, XXIX, and XXX of the said Act, for executing the said Act for the purpose of assessing the Duties in respect of the salaries, pay, and allowances and pensions in those Sections respectively mentioned, so as to avoid or affect any assessment of such Duties made by such Ex-officio Assessors before taking the oath of secrecy mentioned in the said Section XXXIII, or so as to expose any such Ex-officio Assessor to any prosecution or proceedings whatsoever for making any assessment of such Duties as aforesaid without having taken the said oath of secrecy.

Assessments already made, declared valid.

V. Every assessment heretofore made by any of the said Ex-officio Assessors of any of the Duties in the last preceding Section mentioned, and which would have been valid if such Assessor had, before acting in the execution of the said Act, duly taken the oath prescribed by the said Section XXXIII thereof, shall be a valid assessment of the said Duties, notwithstanding that such Assessor may not, before or at the time of making the said assessment, have taken an oath of secrecy as prescribed by the said Section, or any oath.

VI. No

Indemnity

VI. No action, indictment, information, or other proceeding shall be had or taken against any Ex-officio Assessor for or by reason of his having made any assessment of any of the Duties in Section IV of this Act mentioned, without having taken the oath of secrecy prescribed by Section XXXIII of the said Act XXXII of 1860, or any oath of secrecy.

Military Officers in Civil employment not exempt.

VII. The exemption provided in Section CXXVII of the said Act XXXII of 1860 shall not extend to Officers, Non-Commissioned Officers, or Privates of Her Majesty's Forces or of Her Majesty's Indian Military Forces who may be in Civil employment other than employment in the Police.

Repeal of Section CXXVIII.

VIII. Section CXXVIII of the said Act XXXII of 1860 is hereby repealed.

Exemption of Naval and Marine Officers.

IX. All Commissioned Officers and Warrant Officers of Her Majesty's Navy or of the Indian Naval Forces, whose naval pay and allowances shall not exceed the full pay and allowances of a Lieutenant in Her Majesty's Indian Naval Forces:

All Officers and persons in the employment of Government in the Marine Department, whose pay and allowances shall not exceed the pay and allowances of a Lieutenant in Her Majesty's Indian Naval Forces;

All petty Officers or Seamen of Her Majesty's Navy or of Her Majesty's Indian Naval Forces, and all Seamen in the employment or pay of the Government, shall be exempted from the said Duties in respect of any pay or allowances which they may receive from Her Majesty, or from the Government, or from any public Revenue.

Proviso.

Provided always that the said exemptions of Officers or persons in the employment of the Government of India in the Marine Department, shall extend to all Officers and persons in the said employment, who may, by virtue of their employment, be bound to serve, or be liable to be required by the Government to serve on board of a ship or vessel at sea, or in any river or port, whether such Officers or persons shall be actually so serving or not; but shall not extend to any Officer or person who

may

may not, by virtue of his employment, be bound or liable so to serve, when and if required by the Government.

Construction.

X. This Act shall be read and construed as part of Act XXXII of 1860.

ACT No. XL of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor-General on the* 11*th September* 1860)

An Act to Amend Act XXXVI of 1860.

Preamble.

WHEREAS it is expedient to Amend Act XXXVI of 1860 (*to consolidate and amend the law relating to Stamp Duties*); It is enacted as follows :—

Act not to come into force as regards Bills of Exchange &c. payable after date or sight, until 1st January 1861.

I. So much of the aforesaid Act as imposes Duties on Bills of Exchange, Letters of Credit, Drafts, Cheques on Bankers or others, Promissory Notes, Hoondees, and other Orders and Obligations for the payment of money, not being Bonds or other Instruments or Writings bearing the attestation of one or more witnesses, if payable at any period not exceeding one year after date or sight, or otherwise relates to such Instruments, shall not come into force until the 1st of January 1861, or until such subsequent date as the Governor-General in Council by an order in the Gazette previous to the said date may prescribe. Until that date all Regulations and Acts or parts thereof which are repealed by Section I of the aforesaid Act shall remain in full force as regards all such Instruments as aforesaid. Provided that nothing in this Act shall affect Drafts or Orders for the payment of money on demand, and bearing the date on which the Draft or Order is made.

Penalty for use of Postage Stamp which has been removed.

II. If any person shall affix or use any adhesive Postage Stamp, which to his knowledge shall have been taken off or removed from any paper whereon any Receipt or any Draft, Order, or Bill of Exchange, or other Instrument requiring a Stamp under the said Act shall have been written, or from any letter or Packet, to or for any Receipt, Draft, Order, or Bill of Exchange or other Instrument so requiring a Stamp, or to or for any paper whereon the same shall

shall be or be intended to be written, or to or for any letter or Packet—every person so offending shall forfeit a sum not exceeding two hundred Rupees.

Transfers of shares of Banking Corporations or Joint Stock Companies.

III. On and after the 1st January 1861, or such subsequent date as the Governor-General in Council, by an order in the Gazette, may prescribe, the Duty chargeable on the transfer of the shares of any Banking Corporation or Joint Stock Company which by any Law applicable to such Corporation or Company can be effected by simple endorsement, shall be denoted by an adhesive Stamp or more than one adhesive Stamp; and all the provisions of the said Act relating to the use of adhesive Stamps on Bills of Exchange and the like shall be applicable to such adhesive Stamps used as aforesaid. Until the 1st January 1861, or such subsequent date as may be prescribed, every transfer of the shares of any such Corporation or Company which can now be effected by endorsement, shall be accompanied by a Deed or Memorandum of transfer bearing a Stamp of the value prescribed for such transfers, otherwise the transferree shall be liable to a penalty not exceeding ten times the amount of the requisite Stamp.

Rates of Duties on Bills of Exchange, Letters of Credit, &c., payable within one year after date or sight.

IV. The rates of Duties prescribed in Article 4 of Schedule A of the said Act for inland and foreign Bills payable at any period not exceeding one year after date or sight, shall, as soon as the Law imposing such Duties shall come into operation, be the rates of Duties to be imposed on Letters of Credit, Drafts, Cheques on Bankers, Promissory Notes, Hoondees, and other Orders and Obligations for the payment of money at any period as aforesaid, not being Bonds or Instruments or Writings bearing the attestation of one or more witnesses.

Repeal of Sections XXI and XXII of Act XXXVI of 1860, and substitution of the following.

V. Sections XXI and XXII of Act XXXVI of 1860 are repealed, and the following new Sections shall be read as Sections XXI and XXII of the said Act :—

"XXI. Every Vendor of Stamps shall write on the back of each Stamp which he sells, except adhesive Stamps and

and Stamps used for Receipts, or for Bills of Exchange, Promissory Notes, Drafts, or other Orders for money, Bankers agreements for loans, or Bills of Lading, the date of issue, the name of the person to whom it is issued, and his own ordinary signature, on pain of a fine not exceeding one hundred Rupees."

"XXII. Any Vendor who shall knowingly write a false name or date on the back of any Stamp which he is required to endorse under the foregoing Section, shall be punished by a fine not exceeding five hundred Rupees, or imprisonment not exceeding three months, or both."

Repeal of Article 28 of Schedule A, and substitution of new Article.

VI. Article 28 of Schedule A. of the said Act is repealed, and the following words shall be read as Article 28 of the said Schedule of the said Act:—

"28. Engagements to cultivate, produce, provide, or deliver any Article of Commerce in consideration of advance made.	Shall be charged on the amount advanced at the rate of Bonds."

Act XXXVI of 1860 not to extend to the Straits Settlement

VII. The said Act XXXVI of 1860 shall not extend to the Straits Settlement.

Construction.

VIII. This Act shall be read and construed as part of Act XXXVI of 1860.

ACT No. XLI OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 3rd. October 1860.)

An Act relating to the Emigration of Native Laborers to the British Colony of Saint Kitts.

Preamble.

WHEREAS it is expedient to render lawful the Emigration of laborers, being Native Inhabitants of British India, to the British Colony of Saint Kitts, and to extend the provisions of Act XXXI of 1855 *(relating to the Emigration of Native Laborers to the British Colonies of Saint Lucia and Grenada)* to the Emigration of Native Inhabitants of British India who may emigrate to Saint Kitts; It is enacted as follows :—

Act repealed.

I. Act XIV of 1839, in so far as it renders liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the British Colony of Saint Kitts, or who shall knowingly aid or abet any Native of India in emigrating from the Ports of Calcutta, Madras, and Bombay respectively, to the said Colony, is repealed.

Act XXXI of 1855 extended.

II. All the provisions of Act XXXI of 1855 and of the Schedule thereto shall extend and apply to Native Inhabitants of the British Territories in India who shall emigrate to Saint Kitts

Kitts, and that Act shall be read as if the words "or the British Colony of Saint Kitts" had been inserted therein after the words "Saint Lucia and Grenada," or "Saint Lucia or Grenada," wherever those words occur in the said Act.

Commencement of Act.

III. This Act shall take effect as to the Colony of Saint Kitts from the day when the Governor-General of India in Council shall notify in the Calcutta Gazette that such Regulations have been provided and such measures taken as the Governor-General in Council deems necessary for the protection of such emigrants during their residence in the said Colony of Saint Kitts and in respect of their return to India.

ACT No. XLII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 6th. October 1860.)

An Act for the Establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter.

Preamble.

WHEREAS, with a view to the more easy recovery of small debts and demands, it is expedient to establish Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of judicature established by Royal Charter at the several Presidencies of Calcutta, Madras, and Bombay; It is enacted as follows:—

Constitution of Small Cause Courts.

I. It shall be lawful for the Executive Government of any of the said Presidencies or of any place, with the previous sanction of the Governor-General in Council, to constitute Courts of Small Causes, with the required establishment of Officers, at any place within the limits of their respective Governments, for the trial of suits under this Act, and to abolish any Court so constituted. Provided that no Judge of any Court constituted under this Act shall exercise any Civil jurisdiction except under the provisions of this Act.

Limits of territorial jurisdiction to be fixed.

II. Whenever any such Court may be so constituted, the Executive Government shall fix the territorial jurisdiction of such Court, and may, from time to time, alter the same as may appear proper.

Description of suits cognizable by Small Cause Courts.

III. The following are the suits which shall be cognizable by Courts of Small Causes constituted under this Act, namely, claims for money due, whether on bond or other contract, or for rent, or for personal property, or for the value of such property,

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perty, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of five hundred Rupees. Provided that no action shall lie in any such Court on a balance of partnership account, unless the balance shall have been struck by the parties or their agents; or for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will; or for any claim for the rent of land or any other claim for which a suit may be brought before a Revenue Officer, or for the recovery of damages on account of alleged personal injuries, unless special damage of a pecuniary nature shall have resulted from such injury.

Proviso.

IV. Every Court of Small Causes constituted under this Act shall have cognizance of all such suits as are mentioned in the last preceding Section, if the defendant at the time of the commencement of the suit shall dwell or personally work for gain within the local limits of the jurisdiction of such Court.

Jurisdiction of the Court.

V. Every Court constituted under this Act shall use a seal, bearing the following inscription in English and in the language of the Court—"Court of Small Causes of ;" and every such Court shall be subject to the general control and orders of the Sudder Court.

Seal of the Court.

Court to be generally subject to the Sudder Court.

VI. Wherever a Court of Small Causes is constituted under this Act, no suit cognizable by such Court under the provisions of this Act shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Small Cause Court. Provided that nothing in this Act shall be held to take away the jurisdiction which a Magistrate, or a person exercising the powers of a Magistrate, or an Assistant or a Deputy Magistrate, can now exercise in regard to debts or other claims of a civil nature; or the jurisdiction which can be exercised by Village Moonsiffs or Village or District Punchayets under the provisions of the Madras Code, or by Military Courts of Request, or by

Suits within the jurisdiction of and cognizable by Small Cause Courts, not to be heard by any other Court.

Saving of jurisdiction of Magistrate, &c.

Of Village Moonsiffs and Village or District Punchayets in Madras.

by Cantonment Joint Magistrates invested with Civil jurisdiction under Act III of 1859, or by a single Officer duly authorized and appointed under the rules in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of small suits in Military Bazars, in Cantonments, and Stations occupied by the troops of those Presidencies respectively, or by Punchayets in regard to suits against Military persons, according to the rules in force under the Presidency of Fort St. George.

of Military Courts of Request— of single Officers appointed to try small suits in Madras and Bombay.

and of Military Punchayets in Madras.

VII. Courts of Small Causes constituted under this Act shall be held at such place or places within the local limits of their respective jurisdictions as shall from time to time be appointed by the local Government to which such Courts are subordinate.

Courts where to be held.

VIII. Whenever any such Court is directed to be held at more places than one within the local limits of its jurisdiction, the Judge of such Court, subject to the control of the Sudder Court, shall appoint the time at which the Court shall hold its sittings in every such place. Due notice of the time so appointed shall be given by a proclamation to be fixed up in some conspicuous place in the Court-house or other building in which the sittings of the Court are to be held.

Time of holding Courts, if they be directed to be held in more places than one.

IX. In all suits under this Act the summons to the defendant shall be for the final disposal of the suit, and no written statement other than the plaint shall be received unless required by the Court.

Summons.

X. At the time of passing a decree under this Act, the Court may on the verbal application of the party in whose favor the decree is passed, direct immediate execution of the same by the issue of a warrant directed either generally against the personal porperty of the judgment debtor wherever it may be found within the local limits of the Court's jurisdiction, or specially against any personal property belonging to the judgment debtor within the same limits which may be indicated by the judgment creditor.

On application, immediate execution of decree may be granted against personal property of judgment debtor.

XI. In

Execution against immoveable property, if moveable property not sufficient.

XI. In the execution of a decree under this Act, if, after the sale of the moveable property of a judgment debtor, any portion of a judgment shall remain due and the holder of such judgment desire to issue execution upon any immoveable property belonging to the judgment debtor, the Court, on the application of such judgment creditor, shall grant him a copy of the judgment and a certificate of any sum remaining due under it, and on the presentation of such copy and certificate to any Civil Court having general jurisdiction in the place in which the immoveable property of the judgment debtor is situate, such Court shall proceed to enforce such judgment according to its own rules and mode of procedure in like cases.

Decision in certain suits to be final. Proviso.

XII. In suits tried under this Act, all decisions and orders of the Court shall be final. Provided that it shall be competent to the Court, if it shall think fit, to grant a new trial if applied for within the period of thirty days from the date of the decision; but no new trial shall be granted unless the party applying for the same shall with his application deposit in Court the amount for which judgment shall have been given against him including the costs (if any) of the opposite party.

Court may refer questions of law &c. to Sudder Court.

XIII. If in the trial of any suit under this Act any question of law, or usage having the force of law, or the construction of a document affecting the merits of the decision, shall arise, on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with its own opinion, for the decision of the Sudder Court.

Court may pass decree contingent upon the opinion of the Sudder Court, pending which execution not to issue.

XIV. The Court may proceed in the case notwithstanding a reference to the Sudder Court, and may pass a decree contingent upon the opinion of the Sudder Court on the point referred; but no execution shall be issued in any case in which a reference shall be made to the Sudder Court, until the receipt of the order of that Court.

Full bench of the Sudder Court to decide cases referred under this Act.

XV. Cases referred for the opinion of the Sudder Court shall be dealt with by a full bench of that Court.

XVI. The

Sudder Court to fix an early day for the hearing of the case. Proclamation thereof.

XVI. The Sudder Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation to be fixed up in the Court-house of that Court.

Parties may appear and be heard in person or by pleader.

XVII. The parties to the case may appear and be heard in the Sudder Court in person or by pleader.

Decision of Sudder Court how to be transmitted.

XVIII. The Sudder Court, when it has heard and considered the case, shall transmit a copy of its judgment, under the seal of the Court and the signature of the register, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the Sudder Court.

Costs of reference to Sudder Court.

XIX. Costs, if any, consequent on the reference of a case for the opinion of the Sudder Court, shall be costs in the suit.

Sudder Court empowered to make rules of practice &c.

XX. The Sudder Court shall have power to make and issue general rules for regulating the practice and proceedings of the Courts established under this Act, and also to prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and for keeping all books, entries, and accounts to be kept by the Officers, and from time to time to alter any such rule or form; provided that such rules and forms be not inconsistent with the provisions of this Act or of any other law in force.

Provisions of Act VIII of 1859 made applicable to cases cognizable under this Act.

XXI. Except as hereinbefore provided, the provisions of Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) shall be applicable to cases cognizable under this Act in so far as the same may be applicable and necessary.

ACT No. XLIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 6th. October 1860.)

An Act to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)

Preamble.

WHEREAS it is expedient to amend the provisions relating to special appeals contained in Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)*; It is enacted as follows:—

No special appeal from decision of any Court subordinate to the Sudder Court in certain suits.

I. No special appeal shall lie from any decision or order which shall be passed on regular appeal after the passing of this Act by any Court subordinate to the Sudder Court, in any suit of the nature cognizable in Courts of Small Causes under Act XLII of 1860, when the debt, damage, or demand for which the original suit shall be instituted shall not exceed five hundred Rupees. But every such order or decision shall be final.

Reference of question to the Sudder.

II. If in any suit in which an order or decision is made final under this Act, any question of law, or usage having the force of law, or the construction of a document affecting the merits of the case, shall arise, on which the Court trying such suit shall entertain reasonable doubts, the Court may either of its own motion, or on the application of either of the parties to the suit, draw up a statement of the case, and submit such statement with its own opinion for the decision of the Sudder Court.

III. The

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Court may pass decree contingent upon the opinion of the Sudder Court, pending which execution not to issue.

III. The Court may proceed in the case notwithstanding a reference to the Sudder Court, and may pass a decree contingent upon the opinion of the Sudder Court on the point referred; but no execution shall be issued in any case in which a reference shall be made to the Sudder Court, until the receipt of the order of that Court.

Full bench of the Sudder Court to decide cases referred under this Act.

IV. Cases referred for the opinion of the Sudder Court shall be dealt with by a full bench of that Court.

Sudder Court to fix an early day for the hearing of the case. Proclamation thereof.

V. The Sudder Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation to be fixed up in the Court-house of that Court.

Parties may appear and be heard in person or by pleader.

VI. The parties to the case may appear and be heard in the Sudder Court in person or by pleader.

Decision of Sudder Court how to be transmitted.

VII. The Sudder Court, when it has heard and considered the case, shall transmit a copy of its judgment under the seal of the Court and the signature of the Register, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the Sudder Court.

Costs of reference to Sudder Court.

VIII. Costs, if any, consequent on the reference of a case for the opinion of the Sudder Court, shall be costs in the suit.

Act not to extend to decisions passed on regular appeal by Assistant Judges in Bombay.

IX. Nothing in this Act shall extend to any decision or order passed on regular appeal by any Assistant Judge in the Presidency of Bombay.

Construction of Act

X. This Act shall be construed and read as part of Act VIII of 1859.

ACT No. XLIV OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 6th. October 1860 *)*

An Act for providing for the exercise of certain powers by the Governor-General during his absence from his Council.

Preamble.

WHEREAS the Governor-General in Council has declared that it is expedient that the Governor-General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of his Council ; It is enacted as follows :—

Powers to be exercised by the Governor-General during his absence from Council.

I. During the absence of the Governor-General from his Council, it shall be lawful for the Governor-General alone to exercise all the powers which might be exercised by the Governor-General in Council in every case in which the said Governor-General may think it expedient to exercise those powers.

Powers of the President in Council.

II. All powers vested in the Governor-General in Council by any Act of the Government of India, may be lawfully exercised by the President in Council.

Commencement and duration of Act.

III. This Act shall commence from the day on which it shall be notified, by an order published in the Official Gazette, that the Governor-General has quitted Calcutta for the purpose of so proceeding as aforesaid, and shall not continue in force for a longer period than three months.

THE INDIAN PENAL CODE.

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THE INDIAN PENAL CODE.

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ACT No. XLV of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF IN[illegible]

(Received the assent of the Governor-General on the 6th [illegible].)

THE INDIAN PENAL COD[illegible]

CHAPTER I.

Preamble.

WHEREAS it is expedient to p[illegible] General Penal Code for British India ; It is enac[illegible] follows:—

Title and extent of operation of the Code.

1. This Act shall be called THE INDIAN PENAL C[illegible] take effect on and from the 1st day of [illegible] throughout the whole of the Territories which [illegible] become vested in Her Majesty by the Statute 21 and 22 Victoria C[illegible] entitled "An Act for the better Government of India," except the [illegible] of Prince of Wales' Island, Singapore, and Malacca.

Punishment of offences committed within the said Territories.

2. Every person shall be liable to punishm[illegible] under this Code and not otherwise for every act or [illegible] contrary to the provisions thereof, of which he [illegible] guilty within the said Territories on or after the s[illegible] day of May 1861.

Punishment of offences committed beyond, but which by law may be tried within the Territories.

3. Any person liable, by any law passed by [illegible]-General of India in Council, to be tried f[illegible] committed beyond the limits of the said T[illegible] shall be dealt with according to the provisi[illegible] for any act committed beyond the said Territories, in the sam[illegible] if such act had been committed within the said Territories.

4. Every

Punishment of offences committed by a servant of the Queen within a Foreign allied State.

4. Every servant of the Queen shall be subject to punishment under this Code for every act or omission contrary to the provisions thereof, of which he, whilst in such service, shall be guilty on or after the said 1st day of May 1861, within the dominions of any Prince or State in alliance with the Queen, by virtue of any treaty or engagement heretofore entered into with the East India Company, or which may have been or may hereafter be made in the name of the Queen by any Government of India.

Certain laws not to be affected by this Act.

5. Nothing in this Act is intended to repeal, vary, suspend, or affect any of the provisions of the Statute 3 & 4 William IV Chapter 85, or of any Act of Parliament passed after that Statute in any wise affecting the East India Company, or the said Territories, or the inhabitants thereof; or any of the provisions of any Act for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty or of the East India Company, or of any Act for the Government of the Indian Navy, or of any special or local law.

CHAPTER II.

GENERAL EXPLANATIONS.

Definitions in the Code to be understood subject to exceptions.

6. Throughout this Code every definition of an offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions," though those exceptions are not repeated in such definition, penal provision, or illustration.

Illustrations.

(a) The Sections, in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a Police

(*b*) A, a Police Officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it."

Expression once explained is used in the same sense throughout the Code.

7. Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

Gender.

8. The pronoun "he" and its derivatives are used of any person, whether male or female.

Number.

9. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

"Man." "Woman."

10. The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of any age.

"Person."

11. The word "person" includes any Company or Association or body of persons, whether incorporated or not.

"Public."

12. The word "public" includes any class of the public or any community.

"Queen"

13. The word "Queen" denotes the Sovereign for the time being of the United Kingdom of Great Britain and Ireland.

"Servant of the Queen."

14. The words "servant of the Queen," denote all officers or servants continued, appointed, or employed in India by or under the authority of the said Statute 21 and 22 Victoria Chapter 106, entitled "An Act for the better Government of India," or by or under the authority of the Government of India or any Government.

15. The

"British India."

15. The words "British India" denote the Territories which are or may become vested in Her Majesty by the said Statute 21 and 22 Victoria Chapter 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

"Government of India."

16. The words "Government of India" denote the Governor-General of India in Council, or, during the absence of the Governor-General of India from his Council, the President in Council, or the Governor-General of India alone as regards the powers which may be lawfully exercised by them or him respectively.

"Government."

17. The word "Government" denotes the person or persons authorized by law to administer executive Government in any part of British India.

"Presidency."

18. The word "Presidency" denotes the Territories subject to the Government of a Presidency.

"Judge."

19. The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations.

(a) A Collector exercising jurisdiction in a suit under Act X of 1859, is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(c) A Member of a Punchayet which has power, under Regulation VII. 1816 of the Madras Code, to try and determine suits, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

20. The

"Court of Justice."

20. The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

Illustration.

A Punchayet acting under Regulation VII. 1816 of the Madras Code, having power to try and determine suits, is a Court of Justice.

"Public Servant."

21. The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely —

First. Every Covenanted servant of the Queen;

Second. Every Commissioned Officer in the Military or Naval Forces of the Queen while serving under the Government of India, or any Government ;

Third. Every Judge ;

Fourth. Every Officer of a Court of Justice whose duty it is, as such Officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties ;

Fifth. Every Juryman, assessor, or member of a Punchayet assisting a Court of Justice or public servant ;

Sixth. Every Arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh. Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth. Every

Eighth. Every Officer of Government whose duty it is, as such Officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety, or convenience;

Ninth. Every Officer whose duty it is, as such Officer, to take, receive, keep, or expend any property on behalf of Government, or to make any survey, assessment, or contract on behalf of Government, or to execute any revenue process, or to investigate, or to report on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every Officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty;

Tenth. Every Officer whose duty it is, as such Officer, to take, receive, keep, or expend any property, to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town, or district, or to make, authenticate, or keep any document for the ascertaining of the rights of the people of any village, town, or district.

Illustration.

A Municipal Commissioner is a public servant.

Explanation 1. Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2. Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

"Moveable property."

22. The words "moveable property" are intended to include corporeal property of every description, except land and things attached to the earth, or permanently fastened to any thing which is attached to the earth.

23. "Wrongful

"Wrongful gain."

23. "Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

"Wrongful loss."

"Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

"Wrongful gain" includes wrongful retention of property.

"Wrongful loss" includes the being wrongfully kept out of property.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

"Dishonestly."

24. Whoever does any thing with the intention of causing wrongful gain to one person, or wrongful loss to another person, is said to do that thing "dishonestly."

"Fraudulently."

25. A person is said to do a thing fraudulently if he does that thing with intent to defraud, but not otherwise.

"Reason to believe."

26. A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing, but not otherwise.

Property in possession of wife, clerk, or servant.

27. When property is in the possession of a person's wife, clerk, or servant, on account of that person, it is in that person's possession within the meaning of this Code.

Explanation.—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this Section.

"Counterfeit."

28. A person is said to "counterfeit," who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation.

Explanation. It is not essential to counterfeiting that the imitation should be exact.

"Document."

29. The word "document" denotes any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1. It is immaterial by what means, or upon what substance, the letters, figures, or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations.

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A Check upon a Banker is a document.

A Power of Attorney is a document.

A Map or Plan which is intended to be used, or which may be used as evidence, is a document.

A writing containing directions or instructions is a document.

Explanation 2. Whatever is expressed by means of letters, figures, or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures, or marks within the meaning of this Section, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a Bill of Exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the Bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder," or words to that effect, had been written over the signature.

"Valuable security."

30. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

Illustration.

A writes his name on the back of a Bill of Exchange. As the effect of this endorsement is to transfer the right to the Bill to any person who may become the lawful holder of it, the endorsement is a "valuable security."

"A Will."

31. The words "a will" denote any testamentary document.

Words referring to acts include illegal omissions.

32. In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

"Act."
"Omission."

33. The word "act" denotes as well a series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

Each of several persons liable for an act done by all in like manner as if done by him alone.

34. When a criminal act is done by several persons, each of such persons is liable for that act in the same manner as if the act were done by him alone.

When such an act is criminal by reason of its being done with a criminal knowledge or intention.

35. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention, is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

Effect caused partly by act and partly by omission.

36. Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration.

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

37. When

Co-operation by doing one of several acts constituting an offence.

37. When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

Illustrations.

(*a*) A and B agree to murder Z by severally, and at different times, giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally co-operate in the commission of murder, and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(*b*) A and B are joint Jailors, and as such have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(*c*) A, a Jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food: in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

Several persons engaged in the commission of a criminal act may be guilty of different offences.

38. Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration.

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z, and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

"Voluntarily."

39. A person is said to cause an effect "voluntarily," when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration.

Illustration.

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

"Offence"

40. The word "offence" denotes a thing made punishable by this Code.

"Special Law."

41. A "special law" is a law applicable to a particular subject.

"Local Law"

42 A "local law" is a law applicable only to a particular part of British India.

"Illegal."
"Legally bound to do."

43. The word "illegal" is applicable to every thing which is an offence, or which is prohibited by law, or which furnishes ground for a civil action: and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

"Injury."

44. The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation, or property.

"Life"

45. The word "life" denotes the life of a human being, unless the contrary appears from the context.

"Death."

46. The word "death" denotes the death of a human being, unless the contrary appears from the context.

"Animal."

47. The word "animal" denotes any living creature, other than a human being.

"Vessel."

48. The word "vessel" denotes any thing made for the conveyance by water of human beings, or of property.

49. Wherever

49. Wherever the word "year" or the word "month" is used, it is to be understood that the yera or the month is to be reckoned according to the British Calendar.

"Year."
"Month."

50. The word "Section" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

"Section."

51. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant, or to be used for the purpose of proof, whether in a Court of Justice or not.

"Oath."

52. Nothing is said to be done or believed in good faith, which is done or believed without due care and attention.

"Good faith"

CHAPTER III.

OF PUNISHMENTS.

Punishments.

53. The punishments to which offenders are liable under the provisions of this Code are—

First,—Death ;

Secondly,—Transportation;

Thirdly,—Penal Servitude;

Fourthly,—Imprisonment, which is of two descriptions, namely:

(1) Rigorous, that is, with hard labor.

(2) Simple.

Fifthly,—

Fifthly,—Forfeiture of property.

Sixthly,—Fine.

Commutation of sentence of death.

54. In every case in which sentence of death shall have been passed, the Government of India or the Government of the place within which the offender shall have been sentenced may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

Commutation of sentence of transportation for life.

55. In every case in which sentence of transportation for life shall have been passed, the Government of India or the Government of the place within which the offender shall have been sentenced may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

Europeans and Americans to be sentenced to penal servitude instead of transportation.

56. Whenever any person being a European or American is convicted of an offence punishable under this Code with transportation, the Court shall sentence the offender to penal servitude, instead of transportation, according to the provisions of Act XXIV of 1855.

Fractions of terms of punishment.

57. In calculating fractions of terms of punishment, transportation for life shall be reckoned as equivalent to transportation for twenty years.

Offenders sentenced to transportation how to be dealt with until transportation.

58. In every case in which a sentence of transportation is passed, the offender, until he is transported, shall be dealt with in the same manner as if sentenced to rigorous imprisonment, and shall be held to have been undergoing his sentence of transportation during the term of his imprisonment.

In what cases transportation may be awarded instead of imprisonment.

59. In every case in which an offender is punishable with imprisonment for a term of seven years or upwards, it shall be competent to the Court which sentences such offender, instead of awarding sentence of imprisonment, to sentence the offender

offender to transportation for a term not less than seven years, and not exceeding the term for which by this Code such offender is liable to imprisonment.

Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple.

60. In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

Sentence of forfeiture of property.

61. In every case in which a person is convicted of an offence for which he is liable to forfeiture of all his property, the offender shall be incapable of acquiring any property, except for the benefit of Government, until he shall have undergone the punishment awarded, or the punishment to which it shall have been commuted, or until he shall have been pardoned.

Illustration.

A being convicted of waging war against the Government of India, is liable to forfeiture of all his property. After the sentence, and whilst the same is in force, A's father dies, leaving an estate which, but for the forfeiture, would become the property of A. The estate becomes the property of Government.

Forfeiture of property, in respect of offenders punishable with death, transportation, or imprisonment.

62. Whenever any person is convicted of an offence punishable with death, the Court may adjudge that all his property, moveable and immoveable, shall be forfeited to Government; and whenever any person shall be convicted of any offence for which he shall be transported, or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that the rents and profits of all his moveable and immoveable estate during the period of his transportation or imprisonment, shall be forfeited to Government, subject to such provision for his family and dependants as the Government may think fit to allow during such period.

Amount of fine.

63. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

64. In

Sentence of imprisonment in default of payment of fine.

64. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced, or to which he may be liable under a commutation of a sentence.

Limit of term of imprisonment for default in payment of fine, when the offence is punishable with imprisonment as well as fine.

65. The term for which the Court directs the offender to be imprisoned in default of payment of a fine, shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

Description of imprisonment for such default.

66. The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

Term of imprisonment for default in payment of fine, when the offence is punishable with fine only.

67. If the offence be punishable with fine only, the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case.

Such imprisonment to terminate upon payment of the fine.

68. The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

Termination of such imprisonment upon payment of proportional part of fine.

69. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment, is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration.

Illustration.

A is sentenced to a fine of one hundred Rupees, and to four months' imprisonment in default of payment. Here, if seventy-five Rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five Rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty Rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty Rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

Fine may be levied within 6 years, or at any time during the term of imprisonment.

Death of offender not to discharge his property from liability.

70. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

Limit of punishment of offence which is made up of several offences.

71. Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

Illustrations.

(*a*) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(*b*) But if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

Punishment of a person found guilty of one of several offences, the judgment stating that it is doubtful of which.

72. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

73. Whenever,

Solitary confinement.

73. Whenever any person is convicted of an offence for which under this Code the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say:—

A time not exceeding one month if the term of imprisonment shall not exceed six months.

A time not exceeding two months if the term of imprisonment shall exceed six months and be less than a year.

A time not exceeding three months if the term of imprisonment shall exceed one year.

Limit of solitary confinement.

74. In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Punishment of persons convicted, after a previous conviction, of an offence punishable with three years' imprisonment.

75. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those Chapters with imprisonment of either description for a term of three years or upwards, shall be subject for every such subsequent offence to transportation for life, or to double the amount of punishment to which he would otherwise have been liable for the same; provided that he shall not in any case be liable to imprisonment for a term exceeding ten years.

Chapter IV.

CHAPTER IV.

GENERAL EXCEPTIONS.

Act done by a person bound, or by mistake of fact believing himself bound by law.

76. Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Illustrations.

(*a*) A, a soldier, fires on a mob by the order of his superior Officer, in conformity with the commands of the law. A has committed no offence.

(*b*) A, an Officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

Act of Judge when acting judicially.

77. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Act done pursuant to the judgment or order of a Court of Justice.

78. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court of Justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

Act done by a person justified, or by mistake of fact believing himself justified by law.

79. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be justified by law in doing it.

Illustration.

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

80. Nothing

Accident in the doing of a lawful act.

80. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner, by lawful means, and with proper care and caution.

Illustration.

A is at a work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

Act likely to cause harm, but done without a criminal intent, and to prevent other harm.

81. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation.—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations.

(*a*) A, the Captain of a Steam Vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with 20 or 30 passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only 2 passengers on board which he may possibly clear. Here, if A alters his course without any intention to run down the boat C, and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(*b*) A in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention, in good faith, of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

Act of a child under 7 years of age.

82. Nothing is an offence which is done by a child under seven years of age.

83. Nothing

Act of a child above 7 and under 12 years of age, who has not sufficient maturity of understanding.

83. Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion.

Act of a person of unsound mind.

84. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Act of a person incapable of judgment by reason of intoxication caused against his will.

85. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

Offence requiring a particular intent or knowledge committed by one who is intoxicated.

86. In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Act not intended and not known to be likely to cause death or grievous hurt, done by consent.

87. Nothing, which is not intended to cause death or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration.

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

88. Nothing

88. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Act not intended to cause death, done by consent in good faith for the benefit of a person.

Illustration.

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

89. Nothing, which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person : Provided—

Act done in good faith for the benefit of a child or person of unsound mind, by or by consent of guardian.

Provisoes.

First. That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;

Secondly. That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

Thirdly. That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustration.

Illustration.

A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

Consent known to be given under fear or misconception.

90. A consent is not such a consent as is intended by any Section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception—Or

Consent of a child or person of unsound mind.

If the consent is given by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or, unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in Sections 87, 88, and 89.

91. The exceptions in Sections 87, 88, and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration.

Causing miscarriage (unless caused in good faith for the the purpose of saving the life of the woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm;" and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

Act done in good faith for the benefit of a person without consent.

92. Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit. Provided—

Provisoes.

First. That

First. That this exception shall not extend to the intentional causing of death, or the attempting to cause death;

Secondly. That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

Thirdly. That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(*a.*) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(*b.*) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(*c.*) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(*d.*) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.—Mere pecuniary benefit is not benefit within the meaning of Sections 88, 89, and 92.

Communication made in good faith.

93. No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Illustration.

Illustration.

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

Act to which a person is compelled by threats.

94. Except murder and offences against the State, punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1.—A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2.—A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law, for example a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

Act causing slight harm.

95. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

OF THE RIGHT OF PRIVATE DEFENCE.

Nothing done in private defence is an offence.

96. Nothing is an offence which is done in the exercise of the right of private defence.

Right of private defence of the body and of property.

97. Every person has a right, subject to the restrictions contained in Section 99 to defend—

First. His

First. His own body, and the body of any other person, against any offence affecting the human body;

Secondly. The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief, or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass.

Right of private defence against the act of a person of unsound mind, &c.

98. When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations.

(a.) Z, under the influence of madness, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b.) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

Acts against which there is no right of private defence.

99. *First.*—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

Second. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

Third.— There

Third.—There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Fourth.—The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Extent to which the right may be exercised.

Explanation 1.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction; or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority, if demanded.

100. The right of private defence of the body extends, under the restrictions mentioned in the last preceding Section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely—

When the right of private defence of the body extends to causing death.

First.—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault—

Secondly.—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault—

Thirdly.—An assault with the intention of committing rape—

Fourthly.—An assault with the intention of gratifying unnatural lust—

Fifthly.—An assault with the intention of kidnapping or abducting—

Sixthly.—An

Sixthly.—An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

When such right extends to causing any harm other than death.

101. If the offence be not of any of the descriptions enumerated in the last preceding Section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in Section 99, to the voluntary causing to the assailant of any harm other than death.

Commencement and continuance of the right of private defence of the body.

102. The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence, though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

When the right of private defence of property extends to causing death.

103. The right of private defence of property extends, under the restrictions mentioned in Section 99, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely—

First.—Robbery.

Secondly.—House-breaking by night.

Thirdly.—Mischief by fire committed on any building, tent, or vessel, which building, tent, or vessel is used as a human dwelling, or as a place for the custody of property.

Fourthly.—Theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

104. If

When such right extends to causing any harm other than death.

104. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding Section, that right does not extend to the voluntary causing of death but does extend, subject to the restrictions mentioned in Section 99, to the voluntary causing to the wrong-doer of any harm other than death.

Commencement and continuance of the right of private defence of property.

105. *First.*—The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

Second.—The right of private defence of property against theft continues till the offender has effected his retreat with the property or the assistance of the public authorities is obtained, or the property has been recovered.

Third.—The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint, or as long as the fear of instant death or of instant hurt or of instant personal restraint continues.

Fourth.—The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

Fifth.—The right of private defence of property against house-breaking by night, continues as long as the house-trespass which has been begun by such house-breaking continues.

Right of private defence against a deadly assault when there is risk of harm to an innocent person.

106. If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration.

Illustration.

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

CHAPTER V.

OF ABETMENT.

Abetment of a thing.

107. A person abets the doing of a thing, who—

First.—Instigates any person to do that thing ; or,

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing ; or,

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abettor.

108. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.—The

Explanation 1.—The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.

Explanation 2.—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations.

(*a*) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(*b*) A instigates B to murder D. B, in pursuance of the instigation, stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations.

(*a*) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(*b*) A, with the intention of murdering Z, instigates B, a child under seven years or age, to do an act which causes Z's death. B, in consequence of the abetment, does the act, and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence and had committed murder, and he is therefore subject to the punishment of death.

(*c*) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(*d*) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this Section, and is liable to the punishment for murder.

108A. A—.

Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.

109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustrations.

(*a*) A offers a bribe to B, a public servant, as a reward for showing A some favor in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in Section 161.

(*b*) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(*c*) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B, in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

110 Whoever

110. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

Punishmenet of abetment if the person abetted does the act with a different intention from that of the abettor.

111. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it; provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Liability of abettor when one act is abetted and a different act is done.

Proviso.

Illustrations.

(*a*) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner, and to the same extent, as if he had instigated the child to put the poison into the food of Y.

(*b*) A instigates B to burn Z's house. B sets fire to the house, and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(*c*) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

112. If the act for which the abettor is liable under the last preceding Section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

Abettor when liable to cumulative punishment for act abetted and for act done.

Illustration.

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress

distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.

113. When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration.

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

Abettor present when offence is committed.

114. Whenever any person who, if absent, would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.

115. Whoever abets the commission of an offence punishable with death or transportation for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

If an act which causes harm be done in consequence of the abetment.

Illustration.

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or transportation for life. Therefore A is liable to imprisonment for a term

a term which may extend to seven years, and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.

116. Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence, for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence, or with both;

If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.

and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(*a*) A offers a bribe to B, a public servant, as a reward for showing A some favor in the exercise of B's official functions. B refuses to accept the bribe, A is punishable under this Section.

(*b*) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this Section, and is punishable accordingly.

(*c*) A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(*d*) B abets the commission of a robbery by A, a police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed. B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

Abetting the commission of an offence by the public, or by more than 10 persons.

117. Whoever abets the commission of an offence by the public generally, or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustration.

Illustration.

A affixes in a public place a placard, intigating a sect consisting of more than ten members, to meet at a certain time and place for the purpose of attacking the members of an adverse sect while engaged in a procession. A has committed the offence defined in this Section.

Concealing a design to commit an offence punishable with death or transportation for life—

If the offence be committed.

If the offence be not committed.

118. Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or transportation for life, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years: and in either case shall also be liable to fine

Illustration.

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this Section.

A public servant concealing a design to commit an offence which it is his duty to prevent—

If the offence be committed.

If the offence be punishable with death, &c.

119. Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence the commission of which it is his duty as such public servant to prevent, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or if the offence be punishable with death or transportation for life, with imprisonment of either description for a term

term which may extend to ten years; or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

If the offence be not committed.

Illustration.

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to facilitate the commission of that offence. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this Section.

Concealing a design to commit an offence punishable with imprisonment—

If the offence be committed.

If not committed.

120. Whoever intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term with may extend to one-fourth, and, if the offence be not committed, to one-eighth of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

CHAPTER VI.

OF OFFENCES AGAINST THE STATE.

Waging, or attempting to wage war, or abetting the waging of war against the Queen.

121. Whoever wages war against the Queen, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or transportation for life, and shall forfeit all his property.

Illustrations.

(a) A joins an insurrection against the Queen. A has committed the offence defined in this Section.

(b.) A in India abets an insurrection against the Queen's Government of Ceylon by sending arms to the insurgents. A is guilty of abetting the waging of war against the Queen.

122. Whoever

122. Whoever collects men, arms, or ammunition, or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the Queen, shall be punished with transportation for life or imprisonment of either description for a term not exceeding ten years, and shall forfeit all his property.

Collecting arms &c. with the intention of waging war against the Queen.

123. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Queen, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Concealing with intent to facilitate a design to wage war.

124. Whoever, with the intention of inducing or compelling the Governor-General of India, or the Governor of any Presidency, or a Lieutenant-Governor, or a Member of the Council of the Governor-General of India, or of the Council of any Presidency, to exercise or refrain from exercising in any manner any of the lawful powers of such Governor-General, Governor, Lieutenant-Governor, or Member of Council, assaults, or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of criminal force or the show of criminal force, or attempts so to overawe, such Governor-General, Governor, Lieutenant-Governor, or Member of Council, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Assaulting Governor-General, Governor, &c. with intent to compel or restrain the exercise of any lawful power.

125. Whoever wages war against the Government of any Asiatic power in alliance or at peace with the Queen, or attempts to wage such war, or abets the waging of such war, shall be punished with transportation for life, to which fine may be added; or with imprisonment of either description for a term which may extend to seven years, to which fine may be added; or with fine.

Waging war against any Asiatic power in alliance with the Queen.

126. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the Queen, shall be punished with imprisonment of either description for a term which may extend

Committing depredation on the territories of any power at peace with the Queen.

extend to seven years, and shall also be liable to fine and to forfeiture of any property used, or intended to be used, in committing such depredation, or acquired by such depredation.

Receiving property taken by war or depredation mentioned in Sections 125 and 126.

127. Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in Sections 125 and 126, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

Public servant voluntarily allowing Prisoner of State or War in his custody to escape.

128. Whoever, being a public servant, and having the custody of any State Prisoner or Prisoner of War, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Public servant negligently suffering Prisoner of State or War in his custody to escape.

129. Whoever, being a public servant, and having the custody of any State Prisoner or Prisoner of War, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

Aiding escape of, rescuing, or harbouring such prisoner.

130. Whoever knowingly aids or assists any State Prisoner or Prisoner of War in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the re-capture of such prisoner, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—A State Prisoner or Prisoner of War who is permitted to be at large on his parole within certain limits in British India, is said to escape from lawful

lawful custody if he goes beyond the limits within which he is allowed to be at large.

CHAPTER VII.

OF OFFENCES RELATING TO THE ARMY AND NAVY.

Abetting mutiny, or attempting to seduce a soldier or sailor from his duty.

131. Whoever abets the committing of mutiny by an officer, soldier, or sailor in the Army or Navy of the Queen, or attempts to seduce any such officer, soldier, or sailor from his allegiance or his duty, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetment of mutiny, if mutiny is committed in consequence thereof.

132. Whoever abets the committing of mutiny by an officer, soldier, or sailor in the Army or Navy of the Queen, shall, if mutiny be committed in consequence of that abetment, be punished with death or with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetment of an assault by a soldier or sailor on his superior officer, when in the execution of his office.

133. Whoever abets an assault by an officer, soldier, or sailor in the Army or Navy of the Queen, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Abetment of such assault, if the assault is committed.

134. Whoever abets an assault by an officer, soldier, or sailor in the Army or Navy of the Queen, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

135. Whoever

135. Whoever abets the desertion of any officer, soldier, or sailor in the Army or Navy of the Queen, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Abetment of the desertion of a soldier or sailor.

136. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, or sailor in the Army or Navy of the Queen has deserted, harbours such officer, soldier, or sailor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Harbouring a deserter.

Exception.—This provision does not extend to the case in which the harbour is given by a wife to her husband.

137. The master or person in charge of a merchant vessel, on board of which any deserter from the Army or Navy of the Queen is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred Rupees, if he might have known of such concealment, but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Deserter concealed on board merchant vessel through negligence of master.

138. Whoever abets what he knows to be an act of insubordination by an officer, soldier, or sailor in the Army or Navy of the Queen, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Abetment of act of insubordination by a soldier or sailor.

139. No person subject to any Articles of War for the Army or Navy of the Queen, or for any part of such Army or Navy, is subject to punishment under this Code for any of the offences defined in this Chapter.

Persons subject to Articles of War not punishable under this Code.

140. Whoever, not being a soldier in the Military or Naval service of the Queen, wears any garb, or carries any token resembling any garb or token used by such a soldier, with the intention that

Wearing the dress of a soldier.

that it may be believed that he is such a soldier, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

CHAPTER VIII.

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

Unlawful assembly.

141. An assembly of five or more persons is designated an "unlawful assembly," if the common object of the persons composing that assembly, is—

First. To overawe by criminal force, or show of criminal force, the Legislative or Executive Government of India, or the Government of any Presidency, or any Lieutenant-Governor, or any Public Servant in the exercise of the lawful power of such Public Servant; or

Second. To resist the execution of any law, or of any legal process; or

Third. To commit any mischief or criminal trespass, or other offence; or

Fourth. By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth. By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

Being a member of an unlawful assembly.

142. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

143. Whoever

143. Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Punishment.

144. Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Joining an unlawful assembly armed with any deadly weapon.

145. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.

146. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

Force used by one member in prosecution of common object.

147. Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for rioting.

148. Whoever is guilty of rioting, being armed with a deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Rioting, armed with a deadly weapon.

149. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object.

150. Whoever

150. Whoever hires or engages or employs, or promotes or connives at the hiring, engagement, or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly, in pursuance of such hiring, engagement, or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

Hiring, or conniving at hiring of persons to join an unlawful assembly.

151. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.

Explanation.—If the assembly is an unlawful assembly within the meaning of Section 141 the offender will be punishable under Section 145.

152. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly or to suppress a riot or affray, or uses, or threatens or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Assaulting or obstructing public servant when suppressing riot, &c.

153. Whoever malignantly or wantonly, by doing anything which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Wantonly giving provocation, with intent to cause riot—

If rioting be committed.

If not committed.

154. Whenever

Owner or occupier of land on which an unlawful assembly is held.

154. Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand Rupees, if he or his agent or manager, knowing that such offence is being or has been committed or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the principal officer at the nearest Police station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it, and in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

Liability of person for whose benefit a riot is committed.

155. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

Liability of agent of owner or occupier for whose benefit a riot is committed.

156. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

157. Whoever

157. Whoever harbours, receives, or assembles in any house or premises in his occupation or charge, or under his control, any persons, knowing that such persons have been hired, engaged, or employed, or are about to be hired, engaged, or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Harbouring persons hired for an unlawful assembly.

158. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in Section 141, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both ; and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Being hired to take part in an unlawful assembly or riot.

Or to go armed.

159. When two or more persons, by fighting, in a public place, disturb the public peace, they are said to "commit an affray."

Affray.

160. Whoever commits an affray shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Punishment for committing affray.

CHAPTER IX.

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161. Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward

Public servant taking a gratification other than legal remuneration, in respect of an official act.

reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person, with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant-Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Explanations.—"Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this Section.

"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government which he serves to accept.

"A motive or reward for doing." A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within these words.

Illustrations.

(a) A, a Moonsiff, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favor of Z. A has committed the offence defined in this Section.

(b) A, holding the office of Resident at the Court of a subsidiary power, accepts a lakh of Rupees from the Minister of that power. It does not appear that A accepted this sum as a motive or reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that power with the British Government. But it does appear that A accepted the sum as a motive or reward for generally showing favor in the exercise of his official functions to that power. A has committed the offence defined in this Section.

(c) A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a title for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this Section.

162. Whoever

Taking a gratification, in order, by corrupt or illegal means, to influence a public servant.

162. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favor or disfavor to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant-Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Taking a gratification for the exercise of personal influence with a public servant.

163. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favor or disfavor to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency or with any Lieutenant-Governor, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustrations.

An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust—are not within this Section, inasmuch as they do not exercise or profess to exercise personal influence.

Punishment for abetment by public servant of the offences above defined.

164. Whoever, being a public servant, in respect of whom either of the offences defined in the last two preceding Sections is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Illustration.

Illustration.

A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or with fine, or with both. A is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Public servant obtaining any valuable thing, without consideration from person concerned in any proceeding or business transacted by such public servant.

165. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted, or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Illustrations.

(*a*) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty Rupees a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred Rupees a month. A has obtained a valuable thing from Z without adequate consideration.

(*b*) A, a Judge, buys of Z, who has a cause pending in A's Court, Government Promissory Notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.

(*c*) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, when they are selling in the market at a discount. Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

Public servant disobeying a direction of the law, with intent to cause injury to any person.

166. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration.

Illustration.

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favor by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this Section.

Public servant framing an incorrect document with intent to cause injury.

167. Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Public servant unlawfully engaging in trade.

168 Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Public servant unlawfully buying or bidding for property.

169. Whoever, being a public servant, and being legally bound, as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both ; and the property, if purchased, shall be confiscated.

Personating a public servant.

170. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under color of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Wearing garb or carrying token used by public servant with fraudulent intent.

171. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that

that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or with both.

CHAPTER X.

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

Absconding to avoid service of summons or other proceeding from a public servant.

172. Whoever absconds in order to avoid being served with a summons, notice, or order proceeding from any public servant, legally competent, as such public servant, to issue such summons, notice, or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons, notice, or order is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Preventing service of summons or other proceeding, or preventing publication thereof.

173. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice, or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice, or order, or intentionally prevents the lawful affixing to any place of any such summons, notice, or order, or intentionally removes any such summons, notice, or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons, notice, order, or proclamation is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

174. Whoever

Non-attendance in obedience to an order from a public servant.

174. Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple inprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or if the summons, notice, order, or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Illustrations.

(*a*) A, being legally bound to appear before the Supreme Court at Calcutta, in obedience to a subpœna issuing from that Court, intentionally omits to appear. A has committed the offence defined in this Section.

(*b*) A, being legally bound to appear before a Zillah Judge, as a witness, in obedience to a summons issued by that Zillah Judge, intentionally omits to appear. A has committed the offence defined in this Section.

Omission to produce a document to a public servant by a person legally bound to produce such document.

175. Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the document is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Illustration.

A, being legally bound to produce a document before a Zillah Court, intentionally omits to produce the same. A has committed the offence defined in this Section.

Omission to give notice or information to a public servant by a person legally bound to give notice or information.

176. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term

term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Furnishing false information.

177. Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(*a*) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the District that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this Section.

(*b*) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound, under Clause 5, Section VII, Regulation III. 1821 of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest Police Station, wilfully misinforms the Police Officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in this Section.

Refusing oath when duly required to take oath by a public servant.

178. Whoever refuses to bind himself by an oath to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

179. Whoever

179. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Refusing to answer a public servant authorized to question.

180. Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Refusing to sign statement.

181 Whoever, being legally bound by an oath to state the truth on any subject to any public servant or other person authorized by law to administer such oath, makes to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

False statement on oath to public servant or person authorized to administer an oath.

182. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause such public servant to use the lawful power of such public servant to the injury or annoyance of any person, or to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

False information, with intent to cause a public servant to use his lawful power to the injury of another person.

Illustrations.

(a.) A informs a Magistrate that Z, a police officer subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the

the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this Section.

(*b.*) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this Section.

Resistance to the taking of property by the lawful authority of a public servant.

183. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Obstructing sale of property offered for sale by authority of a public servant.

184. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Illegal purchase or bid for property offered for sale by authority of a public servant.

185. Whoever, at any sale of property held by the lawful authority of a public servant as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

Obstructing public servant in discharge of his public functions.

186. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

187. Whoever,

Omission to assist public servant when bound by law to give assistance.

187. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both; and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot or affray, or of apprehending a person charged with or guilty of an offence or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

Disobedience to an order duly promulgated by a public servant.

188. Whoever, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance, or injury, or risk of obstruction, annoyance, or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce harm.

Illustration.

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this Section.

189. Whoever

189. Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Threat of injury to a public servant.

190. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application, for protection against any injury, to any public servant legally empowered as such to give such protection or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Threat of injury to induce any person to refrain from applying for protection to a public servant.

CHAPTER XI.

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

191. Whoever, being legally bound by an oath, or by any express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Giving false evidence.

Explanation 1.—A statement is within the meaning of this Section, whether it is made verbally or otherwise.

Explanation 2.—A false statement as to the belief of the person attesting is within the meaning of this Section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Illustrations.

Illustrations.

(*a*) A, in support of a just claim which B has against Z for one thousand Rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(*b*) A. being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(*c*) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(*d*) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named, or not.

(*e*) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

Fabricating false evidence.

192. Whoever causes any circumstance to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstances, false entry, or false statement, so appearing in evidence, may cause any person, who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence."

Illustrations.

(*a*) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(*b*) A makes a false entry in his shop book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

(*c*) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. A has fabricated false evidence.

193. Whoever

Punishment for false evidence.

193. Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.—A trial before a Court Martial ~~or before a Military Court of Request~~ is a judicial proceeding.

Explanation 2.—An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration.

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3.—An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration.

A, in an enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Giving or fabricating false evidence with intent to procure conviction of a capital offence.

194. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this Code, shall be punished with transportation for life,

life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

If innocent person be thereby convicted and executed.

195. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause any person to be convicted of an offence which by this Code is not capital, but punishable with transportation for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment.

Illustration.

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is transportation for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to such transportation or imprisonment, with or without fine.

196. Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Using evidence known to be false.

197. Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Issuing or signing a false certificate.

198. Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as a true certificate one known to be false in a material point.

199. Whoever,

199. Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

False statement made in any declaration which is by law receivable as evidence.

200. Whoever corruptly uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as true any such declaration known to be false.

Explanation.—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of Sections 199 and 200.

201. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender—

If a capital offence.

If punishable with transportation.

If punishable with less than ten years' imprisonment.

Illustration.

Illustration.

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

Intentional omission to give information of an offence, by a person bound to inform.

202. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Giving false information respecting an offence committed.

203. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Destruction of document to prevent its production as evidence.

204 Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

False personation for the purpose of any act or proceeding in a suit.

205. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued, or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

206. Whoever

Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a degree.

206. Whoever fraudulently removes, conceals, transfers, or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture, or in satisfaction of a fine, under a sentence which has been pronounced or which he knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made or which he knows to be likely to be made by a Court of Justice in a Civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree

207. Whoever fraudulently accepts, receives, or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced or which he knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made or which he knows to be likely to be made by a Court of Justice in a Civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulently suffering a decree for a sum not due.

208. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person, or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration.

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him,

him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this Section.

Dishonestly making false claim in a Court of Justice.

209. Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulently obtaining a decree for a sum not due.

210. Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied, or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

False charge of offence made with intent to injure.

211. Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if such criminal proceeding be instituted on a false charge of an offence punishable with death, transportation for life, or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Harbouring an offender—

If a capital offence.

212. Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and

if

if the offence is punishable with transportation for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year and not to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

If punishable with transportation for life, or with imprisonment.

Exception.—This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

Illustration.

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to transportation for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

213. Whoever accepts, or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Taking gift &c. to screen an offender from punishment—

If a capital offence.

If punishable with transportation for life, or with imprisonment.

214. Whoever

Offering gift or restoration of property in consideration of screening offender—

214. Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment,

If a capital offence.

shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence

If punishable with transportation for life, or with imprisonment.

is punishable with transportation for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception.—The provisions of Sections 213 and 214 do not extend to any case in which the offence consists only of an act irrespective of the intention of the offender, and for which act the person injured may bring a civil action.

Illustrations.

(*a*) A assaults B with intent to commit murder. Here, as the offence does not consist of the assault only, irrespective of the intention to commit murder, it does not fall within the exception, and cannot therefore be compounded.

(*b*) A assaults B. Here, as the offence consists simply of the act irrespective of the intention of the offender, and as B may have a civil action for the assault, it is within the exception, and may be compounded.

(*c*) A commits the offence of bigamy. Here, as the offence is not the subject of a civil action, it cannot be compounded.

(*d*) B commits the offence of adultery with a married woman. The offence may be compounded.

Taking gift to help to recover stolen property, &c.

215. Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any moveable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses

uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Harbouring an offender who has escaped from custody, or whose apprehension has been ordered—

216. Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say, if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; if the offence is punishable with transportation for life, or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

If a capital offence.

If punishable with transportation for life, or with imprisonment.

Exception.— This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture.

217. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save or knowing it to be likely that he will thereby save any person from legal punishment or subject him to a less punishment than that to which he is liable, or with intent to save or knowing that he is likely thereby to save any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

218. Whoever,

Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture.

218. Whoever, being a public servant, and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause or knowing it to be likely that he will thereby cause loss or injury to the public or to any person, or with intent thereby to save or knowing it to be likely that he will thereby save any person from legal punishment, or with intent to save or knowing that he is likely thereby to save any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Public servant in a judicial proceeding corruptly making an order, report, &c., which he knows to be contrary to law.

219. Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.

220. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Intentional omission to apprehend on the part of a public servant bound by law to apprehend.

221. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:—

Punishment.

With

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with death; or

With imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with transportation for life or imprisonment for a term which may extend to ten years; or

With imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with imprisonment for a term less than ten years.

Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice.

Punishment.

222. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court of Justice for any offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:—

With transportation for life or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement or who ought to have been apprehended is under sentence of death; or

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended is subject, by a sentence of a Court of Justice, or by virtue of a commutation of such sentence to transportation for life or penal servitude for life, or to transportation or penal servitude or imprisonment for a term of ten years or upwards; or

With

With imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended is subject by a sentence of a Court of Justice to imprisonment for a term not extending to ten years.

Escape from confinement negligently suffered by a public servant.

223. Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Resistance or obstruction by a person to his lawful apprehension.

224. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation.—The punishment in this Section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

Resistance or obstruction to the lawful apprehension of another person.

225. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both ;

Punishment.

Or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with transportation for life or imprisonment for a term which may extend to

to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to transportation for life, or to transportation, penal servitude, or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with transportation for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Unlawful return from transportation.

226. Whoever, having been lawfully transported, returns from such transportation, the term of such transportation not having expired, and his punishment not having been remitted, shall be punished with transportation for life, and shall also be liable to fine, and to be imprisoned with rigorous imprisonment for a term not exceeding three years before he is so transported.

Violation of condition of remission of punishment.

227. Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

228. Whoever

228. Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.

229. Whoever, by personation or otherwise, shall intentionally cause or knowingly suffer himself to be returned, empanelled, or sworn as a juryman or assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled, or sworn, or knowing himself to have been so returned, empanelled, or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Personation of a juror or assessor.

CHAPTER XII.

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

230. Coin is metal used as money stamped and issued by the authority of some Government in order to be so used.

Coin.

Coin stamped and issued by the authority of the Queen, or by the authority of the Government of India or of the Government of any Presidency, or of any Government in the Queen's dominions, is the Queen's coin.

Queen's coin.

Illustrations.

(*a*) Cowries are not coin.

(*b*) Lumps of unstamped copper, though used as money, are not coin.

(*c*) Medals are not coin, inasmuch as they are not intended to be used as money.

(*d*) The coin denominated as the Company's Rupee is the Queen's coin.

231. Whoever

231. Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting coin.

Explanation.—A person commits this offence, who, intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin.

232. Whoever counterfeits or knowingly performs any part of the process of counterfeiting the Queen's coin, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting the Queen's coin.

233 Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells, or disposes of any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or selling instrument for counterfeiting coin.

234. Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells, or disposes of any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for counterfeiting Queen's coin.

235. Whoever is in possession of any instrument or material for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be

Possession of instrument or material for the purpose of using the same for counterfeiting coin.

be liable to fine; and if the coin to be counterfeited is the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetting in India the counterfeiting out of India of coin.

236. Whoever, being within British India, abets the counterfeiting of coin out of British India, shall be punished in the same manner as if he abetted the counterfeiting of such coin within British India.

Import or export of counterfeit coin.

237. Whoever imports into British India, or exports therefrom, any counterfeit coin, knowing or having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Import or export of counterfeits of the Queen's coin.

238. Whoever imports into British India, or exports therefrom, any counterfeit coin which he knows or has reason to believe to be a counterfeit of the Queen's coin, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Delivery to another of coin, possessed with the knowledge that it is counterfeit.

239. Whoever, having any counterfeit coin which at the time when he became possessed of it he knew to be counterfeit, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery of Queen's coin, possessed with the knowledge that it is counterfeit.

240. Whoever, having any counterfeit coin which is a counterfeit of the Queen's coin, and which at the time when he became possessed of it he knew to be a counterfeit of the Queen's coin, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

241. Whoever

Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit.

241. Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Illustration.

A, a coiner, delivers counterfeit Company's Rupees to his accomplice B, for the purpose of uttering them. B sells the Rupees to C, another utterer, who buys them knowing them to be counterfeit. C pays away the Rupees for goods to D, who receives them, not knowing them to be counterfeit. D, after receiving the Rupees, discovers that they are counterfeit and pays them away as if they were good. Here D is punishable only under this Section, but B and C are punishable under Section 239 or 240 as the case may be.

Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

242. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

243. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin which is a counterfeit of the Queen's coin, having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Person employed in a mint causing coin to be of a different weight or composition from that fixed by law

244. Whoever, being employed in any mint lawfully established in British India, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment

imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Unlawfully taking from a mint any coining instrument.

245. Whoever, without lawful authority, takes out of any mint lawfully established in British India, any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulently or dishonestly diminishing the weight or altering the composition of any coin.

246. Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation.—A person who scoops out part of the coin and puts anything else into the cavity, alters the composition of that coin.

Fraudulently or dishonestly diminishing the weight or altering the composition of the Queen's coin.

247. Whoever fraudulently or dishonestly performs on any of the Queen's coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Altering appearance of any coin with intent that it shall pass as a coin of a different description.

248. Whoever performs on any coin any operation which alters the appearance of that coin with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.

249. Whoever performs on any of the Queen's coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

250. Whoever,

Delivery to another of coin possessed with the knowledge that it is altered.

250. Whoever, having coin in his possession with respect to which the offence defined in Section 246 or 248 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery of Queen's coin possessed with the knowledge that it is altered.

251. Whoever, having coin in his possession with respect to which the offence defined in Section 247 or 249 has been committed and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Possession of altered coin by a person who knew it to be altered when he became possessed thereof.

252. Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the Sections 246 or 248 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.

253. Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the Sections 247 or 249 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

254. Whoever

254. Whoever delivers to any other person as genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in Sections 246, 247, 248, or 249, has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed or attempted to be passed.

Delivery to another of coin as genuine, which, when first possessed, the deliverer did not know to be altered.

255. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting a Government stamp.

Explanation.—A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.

256. Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.

257. Whoever makes, or performs any part of the process of making, or buys, or sells, or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with

Making or selling instrument for the purpose of counterfeiting a Government stamp.

with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp.

258. Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a counterfeit Government stamp

259. Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Using as genuine a Government stamp known to be counterfeit.

260. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government.

261. Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Using a Government stamp known to have been before used.

262. Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either

either description for a term which may extend to two years, or with fine, or with both.

263. Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession, or sells or disposes of, any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Erasure of mark denoting that Stamp has been used

263A A

CHAPTER XIII.

OF OFFENCES RELATING TO WEIGHTS AND MEASURES.

264. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Fraudulent use of false instrument for weighing.

265. Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Fraudulent use of false weight or measure.

266. Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, and intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Being in possession of false weights or measures.

267. Whoever makes, sells, or disposes of, any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used

Making or selling false weights or measures.

as

276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Sale of any drug as a different drug or preparation.

277. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Fouling the water of a public spring or reservoir.

278. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to five hundred Rupees.

Making atmosphere noxious to health.

279. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Rash driving or riding on a public way

280. Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Rash navigation of a vessel.

281. Whoever exhibits any false light, mark, or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either

Exhibition of a false light, mark, or buoy

either description for a term which may extend to seven years, or with fine, or with both.

Conveying person by water for hire in a vessel overloaded or unsafe.

282. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Danger or obstruction in a public way or navigation.

283. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction, or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred Rupees.

Negligent conduct with respect to any poisonous substance.

284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any fire or combustible matter.

285. Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

286. Whoever

286. Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any explosive substance.

287. Whoever does, with any machinery, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any machinery in the possession or under the charge of the offender.

288. Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligence with respect to pulling down or repairing buildings.

289. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligence with respect to any animal.

290. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred Rupees.

Punishment for public nuisance.

291. Whoever

291. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Continuance of nuisance after injunction to discontinue.

292. Whoever sells or distributes, imports or prints for sale or hire, or wilfully exhibits to public view, any obscene book, pamphlet, paper, drawing, painting, representation, or figure, or attempts or offers so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Sale &c of obscene books.

Exception.—This Section does not extend to any representation sculptured, engraved, painted, or otherwise represented, on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

293. Whoever has in his possession any such obscene book or other thing as is mentioned in the last preceding Section for the purpose of sale, distribution, or public exhibition, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Having in possession obscene book for sale or exhibition.

294. Whoever sings, recites, or utters in or near any public place any obscene song, ballad, or words to the annoyance of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Obscene songs.

CHAPTER XV.

OF OFFENCES RELATING TO RELIGION.

295. Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their

Injuring or defiling a place of worship, with intent to insult the religion of any class.

their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Disturbing a religious assembly.

296. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Trespassing on burial places, &c.

297. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Uttering words &c. with deliberate intent to wound the religious feelings of any person.

298. Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

CHAPTER XVI.

OF OFFENCES AFFECTING THE HUMAN BODY.

OF OFFENCES AFFECTING LIFE.

Culpable homicide.

299. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations.

Illustrations.

(*a*) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(*b*) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(*c*) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1. A person who causes bodily injury to another who is laboring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2. Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3. The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

Murder.

300. Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—

2ndly. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

3rdly. If it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

4thly. If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as

is

is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations.

(*a*) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(*b*) A, knowing that Z is laboring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is laboring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(*c*) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

(*d*) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

When culpable homicide is not murder.

Exception 1. Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisoes:—

First. That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly. That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly. That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation. Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder, is a question of fact.

Illustrations.

Illustrations.

(*a*) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(*b*) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(*c*) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

(*d*) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(*e*) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(*f*) Z strikes B. B is by this provocation excited to violent rage. A, a by-stander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2. Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law, and causes the death of the person against whom he is exercising such right of defence, without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration.

Z attempts to horse-whip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3. Culpable homicide is not murder if the offender, being a public servant, or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant, and without ill-will towards the person whose death is caused.

Exception 4.

Exception 4. Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.

Explanation. It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception. 5. Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death, or takes the risk of death with his own consent.

Illustration.

A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

Culpable homicide by causing the death of a person other than the person whose death was intended

301. If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Punishment for murder.

302. Whoever commits murder shall be punished with death, or transportation for life, and shall also be liable to fine.

Punishment for murder by a life convict.

303. Whoever being under sentence of transportation for life, commits murder, shall be punished with death.

Punishment for culpable homicide not amounting to murder.

304. Whoever commits culpable homicide not amounting to murder, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the

the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

Abetment of suicide of child or insane person.

305. If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or transportation for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Abetment of suicide.

306. If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Attempt to murder.

307. Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to transportation for life, or to such punishment as is hereinbefore mentioned.

Illustrations.

(*a*) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this Section.

(*b*) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this Section, though the death of the child does not ensue.

(*c*) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this Section; and if by such firing he wounds Z, he is liable to the punishment provided by the latter part of this Section.

(*d*) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this Section. A places the food on Z's table

table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this Section.

Attempt to commit culpable homicide.

308. Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both ; and if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration.

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this Section.

Attempt to commit suicide.

309. Whoever attempts to commit suicide, and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, and shall also be liable to fine.

Thug.

310. Whoever at any time after the passing of this Act shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a Thug.

Punishment.

311. Whoever is a Thug shall be punished with transportation for life, and shall also be liable to fine.

OF THE CAUSING OF MISCARRIAGE, OF INJURIES TO UNBORN CHILDREN, OF THE EXPOSURE OF INFANTS, AND OF THE CONCEALMENT OF BIRTHS.

Causing miscarriage.

312. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years,

or

or with fine, or with both; and if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. A woman who causes herself to miscarry is within the meaning of this Section

Causing miscarriage without woman's consent.

313. Whoever commits the offence defined in the last preceding Section without the consent of the woman, whether the woman is quick with child or not, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Death caused by an act done with intent to cause miscarriage—

If act done without woman's consent.

314. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the act is done without the consent of the woman, shall be punished either with transportation for life, or with the punishment above-mentioned.

Explanation. It is not essential to this offence that the offender should know that the act is likely to cause death.

Act done with intent to prevent a child being born alive or to cause it to die after birth.

315. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive, or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Causing death of a quick unborn child by an act amounting to culpable homicide.

316. Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description

description for a term which may extend to ten years, and shall also be liable to fine.

Illustration.

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this Section.

Exposure and abandonment of a child under twelve years, by parent, or person having care of it.

317 Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation. This Section is not intended to prevent the trial of the offender for murder or culpable homicide as the case may be, if the child die in consequence of the exposure.

Concealment of birth by secret disposal of dead body.

318. Whoever by secretly burying or otherwise disposing of the dead body of a child, whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

OF HURT.

Hurt.

319. Whoever causes bodily pain, disease, or infirmity to any person is said to cause hurt.

Grievous hurt.

320. The following kinds of hurt only are designated as "grievous":—

First. Emasculation.

Secondly. Permanent privation of the sight of either eye.

Thirdly.

Thirdly. Permanent privation of the hearing of either ear.

Fourthly. Privation of any member or joint.

Fifthly. Destruction or permanent impairing of the powers of any member or joint.

Sixthly. Permanent disfiguration of the head or face.

Seventhly. Fracture or dislocation of a bone or tooth.

Eighthly. Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt.

321. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

Voluntarily causing grievous hurt.

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation. A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

323. Whoever,

Punishment for voluntarily causing hurt.

323. Whoever, except in the case provided for by Section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Voluntarily causing hurt by dangerous weapons or means.

324. Whoever, except in the case provided for by Section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for voluntarily causing grievous hurt.

325. Whoever, except in the case provided by Section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing grievous hurt by dangerous weapons or means.

326. Whoever, except in the case provided by Section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to extort property or to constrain to an illegal act.

327. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything

anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Causing hurt by means of poison &c., with intent to commit an offence.

328. Whoever administers to, or causes to be taken by any person, any poison or any stupefying, intoxicating, or unwholesome drug or other thing, with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence, or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.

329. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to extort confession, or to compel restoration of property.

330. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations.

(*a*) A, a police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this Section.

(*b*) A, a police officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this Section.

(*c*) A, a revenue

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this Section.

(d) A, a zemindar, tortures a ryot in order to compel him to pay hisr ent. A is guilty of an offence under this Section.

Voluntarily causing grievous hurt to extort confession, or to compel restoration of property

331. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to deter public servant from his duty.

332. Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Voluntarily causing grievous hurt to deter public servant from his duty.

333. Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt on provocation.

334. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the

the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Causing grievous hurt on provocation.

335. Whoever causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand Rupees, or with both.

Explanation. The last two Sections are subject to the same provisoes as Exception 1 Section 300.

Punishment for act which endangers life or the personal safety of others.

336. Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty Rupees, or with both.

Causing hurt by an act which endangers life or the personal safety of others.

337. Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

Causing grievous hurt by an act which endangers life or the personal safety of others.

338. Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand Rupees, or with both.

WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT.

Wrongful restraint.

339. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception. The

Exception. The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this Section.

Illustration.

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

Wrongful confinement.

340. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations.

(*a*) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(*b*) A places men with fire-arms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

Punishment for wrongful restraint.

341. Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Punishment for wrongful confinement.

342. Whoever wrongfully confines any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Wrongful confinement for three or more days.

343. Whoever wrongfully confines any person for three days or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Wrongful confinement for ten or more days.

344. Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

345. Whoever

Wrongful confinement of person for whose liberation a writ has been issued.

345. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any term of imprisonment to which he may be liable under any other Section of this Code.

Wrongful confinement in secret.

346. Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any other punishment to which he may be liable for such wrongful confinement.

Wrongful confinement for the purpose of extorting property or constraining to an illegal act.

347. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined, or any person interested in such person, to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting confession, or of compelling restoration of property.

348. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or any person interested in the person confined, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined, or any person interested in the person confined, to restore, or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

OF CRIMINAL FORCE AND ASSAULT.

Force.

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion or change of motion or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling; provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part or on the part of any other person.

Thirdly.—By inducing any animal to move, to change its motion, or to cease to move.

Criminal force.

350. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(*a*) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(*b*) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used

used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z, and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten, or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

Assault.

351. Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation. Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins

(*b*) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(*c*) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

Punishment for using criminal force otherwise than on grave provocation.

352. Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Explanation. Grave and sudden provocation will not mitigate the punishment for an offence under this Section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence—or

If the provocation is given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant—or

If the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

Using criminal force to deter a public servant from discharge of his duty.

353. Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

354. Whoever

354. Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or use of criminal force to a woman with intent to outrage her modesty.

355. Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force with intent to dishonor a person, otherwise than on grave provocation.

356. Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt to commit theft of property carried by a person.

357. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Assault or criminal force in attempt wrongfully to confine person.

358. Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

Assaulting or using criminal force on grave provocation.

Explanation.—The last Section is subject to the same explanation as Section 352.

OF KIDNAPPING, ABDUCTION, SLAVERY, AND FORCED LABOR.

359. Kidnapping is of two kinds; kidnapping from British India, and kidnapping from lawful guardianship.

Kidnapping.

360. Whoever

360. Whoever conveys any person beyond the limits of British India without the consent of that person or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from British India.

Kidnapping from British India.

361. Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Kidnapping from lawful guardianship.

Explanation. The words "lawful guardian" in this Section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception. This Section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

362. Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Abduction.

353. Whoever kidnaps any person from British India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Punishment for kidnapping.

364. Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with transportation for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Kidnapping or abducting in order to murder.

Illustrations.

(*a*) A kidnaps Z from British India, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this Section.

(*b*) A forcibly

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this Section.

Kidnapping or abducting with intent secretly and wrongfully to confine a person.

365. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Kidnapping or abducting a woman to compel her marriage, &c.

366. Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.

367. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Wrongfully concealing or keeping in confinement a kidnapped person.

368. Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or keeps such person in confinement, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in confinement.

Kidnapping or abducting child under ten years with intent to steal moveable property from the person of such child.

369. Whoever kidnaps or abducts any child under the age of ten years, with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

370. Whoever

370. Whoever imports, exports, removes, buys, sells, or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Buying or disposing of any person as a slave.

371. Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Habitual dealing in slaves.

372. Whoever sells, lets to hire, or otherwise disposes of any minor under the age of sixteen years, with intent that such minor shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Selling of any minor for purposes of prostitution, &c.

373. Whoever buys, hires, or otherwise obtains possession of any minor under the age of sixteen years, with intent that such minor shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Buying of any minor for purposes of prostitution.

374. Whoever unlawfully compels any person to labor against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Unlawful compulsory labor.

OF RAPE.

375. A man is said to commit "rape," who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:—

Rape.

First.

First. Against her will.

Secondly. Without her consent.

Thirdly. With her consent, when her consent has been obtained by putting her in fear of death or of hurt.

Fourthly. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. With or without her consent, when she is under ten years of age.

Explanation. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception. Sexual intercourse by a man with his own wife, the wife not being under ten years of age, is not rape.

Punishment for rape.

376. Whoever commits rape shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

OF UNNATURAL OFFENCES.

Unnatural offences.

377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this Section.

Chapter XVII.

ACT No. XLV OF 1860.

CHAPTER XVII.

OF OFFENCES AGAINST PROPERTY.

OF THEFT.

Theft.

378. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1. A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2. A moving effected by the same act which effects the severance, may be a theft.

Explanation 3. A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 4. A person, who by any means causes an animal to move, is said to move that animal, and to move every thing which, in consequence of the motion so caused, is moved by that animal.

Explanation 5. The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(*a*) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.

(*b*) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(*c*) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(*d*.) A, being

(*d*) A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(*e*) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft though he may have committed criminal breach of trust.

(*f*) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(*g*) A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(*h*) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(*i*) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(*j*) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(*k*) Again, if A having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property inasmuch as he takes it dishonestly.

(*l*) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(*m*) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(*n*) A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(*o*) A is the paramour of Z's wife. She gives A valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(*p*.) A in

(p) A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

Punishment for theft.

379. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Theft in dwelling house, &c.

380. Whoever commits theft in any building, tent, or vessel, which building, tent, or vessel is used as a human dwelling, or for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft by clerk or servant of property in possession of master.

381. Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft after preparation made for causing death or hurt, in order to the committing of the theft.

382. Whoever commits theft, having made preparation for causing death or hurt or restraint, or fear of death or of hurt or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine

Illustrations.

(a) A commits theft on property in Z's possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z in case Z should resist. A has committed the offence defined in this Section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this Section.

OF EXTORTION.

Extortion.

383. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property

property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion."

Illustrations.

(*a*) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(*b*) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note, A has committed extortion.

(*c*) A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(*d*) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper, and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

Punishment for extortion.

384. Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Putting person in fear of injury in order to commit extortion.

385. Whoever, in order to the committing of extortion, puts any person in fear or attempts to put any person in fear of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Extortion by putting a person in fear of death or grievous hurt.

386. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Putting person in fear of death or of grievous hurt, in order to commit extortion.

387. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

388. Whoever

Extortion by threat of accusation of an offence punishable with death or transportation, &c.

388. Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with transportation for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the offence be one punishable under Section 377, may be punished with transportation for life.

Putting person in fear of accusation of offence, in order to commit extortion.

389. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation against that person or any other of having committed, or attempted to commit, an offence punishable with death, or with transportation for life, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the offence be punishable under Section 377, may be punished with transportation for life.

OF ROBBERY AND DACOITY.

Robbery.

390. In all robbery there is either theft or extortion.

When theft is robbery.

Theft is "robbery," if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt or of instant wrongful restraint.

When extortion is robbery.

Extortion is "robbery," if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person

person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation.—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations.

(*a*) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(*b*) A meets Z on the high road, shows a pistol, and demands Z's purse. Z in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(*c*) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(*d*) A obtains property from Z by saying—"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand Rupees." This is extortion, and punishable as such : but it is not robbery, unless Z is put in fear of the instant death of his child.

Dacoity.

391. When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting, or aiding, is said to commit "dacoity."

Punishment for robbery.

392. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine ; and if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

Attempt to commit robbery.

393. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

394. If

394. If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person, jointly concerned in committing or attempting to commit such robbery, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt in committing robbery.

395. Whoever commits dacoity shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for dacoity.

396. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or transportation for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Dacoity with murder.

397. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Robbery or dacoity, with attempt to cause death or grievous hurt.

398. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

Attempt to commit robbery or dacoity when armed with deadly weapon.

399. Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Making preparation to commit dacoity.

400. Whoever, at any time after the passing of this Act, shall belong to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with transportation

Punishment for belonging to a gang of dacoits.

portation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for belonging to a wandering gang of thieves.

401. Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Assembling for purpose of committing dacoity.

402. Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

OF CRIMINAL MISAPPROPRIATION OF PROPERTY.

Dishonest misappropriation of property.

403. Whoever dishonestly misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(*a*) A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this Section.

(*b*) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this Section.

(*c*) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this Section.

Explanation 1. A dishonest misappropriation for a time only is a misappropriation within the meaning of this Section.

Illustration.

Illustration.

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan intending at a future time to restore it to Z. A has committed an offence under this Section.

Explanation 2. A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means, or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it : it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustrations.

(*a*) A finds a Rupee on the high road, not knowing to whom the Rupee belongs. A picks up the Rupee. Here A has not committed the offence defined in this Section.

(*b*) A finds a letter on the road, containing a back note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this Section.

(*c*) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. A knows that this person can direct him to the person in whose favor the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this Section.

(*d*) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this Section.

(*e*) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this Section.

(*f*) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this Section.

404. Whoever

Dishonest misappropriation of property possessed by a deceased person at the time of his death.

404. Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration.

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this Section.

OF CRIMINAL BREACH OF TRUST.

Criminal breach of trust.

405. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

Illustrations.

(*a*) A being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(*b*) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(*c*) A, residing in Calcutta, is agent for Z residing at Delhi. There is an express or implied contract between A and Z that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits a lac of Rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions, and employs the money in his own business. A has committed criminal breach of trust.

(*d*) But

(*d*) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions and buys shares in the Bank of Bengal for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(*e*) A, a revenue officer, is entrusted with public money, and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(*f*) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

Punishment for criminal breach of trust.

406. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Criminal breach of trust by carrier, &c.

407. Whoever being entrusted with property as a carrier, wharfinger, or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by a clerk or servant.

408. Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by public servant, or by banker, merchant, or agent.

409. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney, or agent, commits criminal breach of trust in respect of that property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

OF THE

Of the Receiving of Stolen Property.

Stolen Property.

410. Property the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which the offence of criminal breach of trust has been committed, is designated as "stolen property." But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Dishonestly receiving stolen property.

411. Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Dishonestly receiving property stolen in the commission of a dacoity.

412. Whoever dishonestly receives or retains any stolen property the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person whom he knows or has reason to believe to belong, or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Habitually dealing in stolen property.

413. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Assisting in concealment of stolen property.

414. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

OF CHEATING.

Cheating.

415. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation, or property, is said to "cheat."

Explanation. A dishonest concealment of facts is a deception within the meaning of this Section.

Illustrations.

(*a*) A, by falsely pretending to be in the Civil service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(*b*) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(*c*) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(*d*) A, by tendering in payment for an article, a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonored, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(*e*) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(*f*) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(*g*) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(*h*) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

(*i*) A sells and conveys an estate to B. A knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

416. A person

416. A person is said to "cheat by personation," if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Cheating by personation.

Explanation. The offence is committed whether the individual personated is a real or imaginary person.

Illustrations.

(*a*) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(*b*) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

417. Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Punishment for cheating.

418. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.

419. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for cheating by personation.

420. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter, or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Cheating and dishonestly inducing a delivery of property.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY.

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.

421. Whoever dishonestly or fraudulently removes, conceals, or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonestly or fraudulently preventing from being made available for his creditors a debt or demand due to the offender.

422. Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration.

423. Whoever dishonestly or fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent removal or concealment of property.

424. Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

OF MISCHIEF.

Mischief.

425 Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change

change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits "mischief."

Explanation 1. It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2. Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations.

(*a*) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.

(*b*) A introduces water into an ice house belonging to Z., and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(*c*) A voluntarily throws into a river a ring belonging to Z. with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(*d*) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

(*e*) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.

(*f*) A causes a ship to be cast away, intending thereby to cause damage to Z, who has lent money on bottomry on the ship. A has committed mischief.

(*g*) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(*h*) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

Punishment for committing mischief.

426. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

427. Whoever

427. Whoever commits mischief and thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Committing mischief and thereby causing damage to the amount of 50 Rupees.

428. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any animal or animals of the value of ten Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by killing or maiming any animal of the value of 10 Rupees.

429. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by killing or maiming cattle, &c., or any animal of the value of 50 Rupees.

430. Whoever commits mischief by doing any act which causes or which he knows to be likely to cause a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness, or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to works of irrigation or by wrongfully diverting water.

431. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to public road, bridge, or river.

432. Whoever commits mischief by doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description

Mischief by causing inundation or obstruction to public drainage attended with damage.

description for a term which may extend to five years, or with fine, or with both.

Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.

433. Whoever commits mischief by destroying or moving any light-house or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light-house, sea-mark, buoy, or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment of ether description for a term which may extend to seven years, or with fine, or with both.

Mischief by destroying or moving &c. a land-mark fixed by public authority.

434. Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Mischief by fire or explosive substance with intent to cause damage to amount of 100 Rupees.

435. Whoever commits mischief by fire or any explosive substance, intending to cause or knowing it to be likely that he will thereby cause damage to any property to the amount of one hundred Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy a house, &c.

436. Whoever commits mischief by fire or any explosive substance, intending to cause or knowing it to be likely that he will thereby cause the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.

437. Whoever commits mischief to any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe or knowing it to be likely that he will thereby destroy or render unsafe that vessel, shall be punished with imprisonment

imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for the mischief described in the last Section when committed by fire or any explosive substance.

438. Whoever commits or attempts to commit by fire or any explosive substance, such mischief as is described in the last preceding Section, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for intentionally running vessel aground or ashore with intent to commit theft, &c.

439. Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief committed after preparation made for causing death or hurt.

440. Whoever commits mischief, having made preparation for causing to any person death or hurt or wrongful restraint, or fear of death or of hurt or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine

OF CRIMINAL TRESPASS.

Criminal trespass.

441. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult, or annoy any person in possession of such property; or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult, or annoy any such person, or with intent to commit an offence, is said to commit criminal trespass.

House-trespass.

442. Whoever commits criminal trespass by entering into or remaining in any building, tent, or vessel used as a human dwelling, or any building used as a place for worship or as a place for the custody of property, is said to commit "house-trespass."

Explanation. The

Explanation. The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

Lurking house-trespass.

443. Whoever commits house-trespass, having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent, or vessel which is the subject of the trespass, is said to commit "lurking house-trespass."

Lurking house-trespass by night.

444. Whoever commits lurking house-trespass after sunset and before sunrise, is said to commit "lurking house-trespass by night."

House-breaking

445. A person is said to commit "house-breaking," who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:—

First. If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

Secondly. If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly. If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass, by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly. If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly. If

Fifthly. If he effects his entrance or departure by using criminal force or committing an assault or by threatening any person with assault.

Sixthly. If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation. Any out-house or building occupied with a house and between which and such house there is an immediate internal communication, is part of the house within the meaning of this Section.

Illustrations.

(a) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his door-way. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

House-breaking by night.

446. Whoever commits house-breaking after sunset and before sunrise, is said to commit "house-breaking by night."

Punishment for criminal trespass.

447. Whoever commits criminal trespass shall be punished with imprisonment of either descriptoin for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

448. Whoever

448. Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Punishment for house-trespass.

449. Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punished with transportation for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to the commission of an offence punishable with death.

450. Whoever commits house-trespass in order to the committing of any offence punishable with transportation for life, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to the commission of an offence punishable with transportation for life.

451. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

House-trespass in order to the commission of an offence punishable with imprisonment.

452. Whoever commits house-trespass, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

House-trespass after preparation made for causing hurt to any person.

453. Whoever commits lurking house-trespass or house-breaking shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking.

454. Whoever

454. Whoever commits lurking house-trespass or house-breaking in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.

455. Whoever commits lurking house-trespass or house-breaking having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.

456. Whoever commits lurking house-trespass by night or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking by night.

457. Whoever commits lurking house-trespass by night or house-breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.

458. Whoever commits lurking house-trespass by night or house-breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Lurking house-trespass or house-breaking by night, after preparation made for causing hurt to any person.

459. Whoever

459. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

460. If, at the time of the committing of lurking house-trespass by night or house-breaking by night, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night or house-breaking by night, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

All persons jointly concerned in house-breaking, &c., to be punishable for death, or grievous hurt, caused by one of their number.

461. Whoever dishonestly, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonestly breaking open any closed receptacle containing or supposed to contain property.

462. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for same offence when committed by person entrusted with custody.

CHAPTER XVIII.

OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

463. Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with

Forgery.

with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

Making a false document.

464. A person is said to make a false document—

First.—Who dishonestly or fraudulently makes, signs, seals, or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, or executed, or at a time at which he knows that it was not made signed, sealed, or executed; or

Secondly.—Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly.—Who dishonestly or fraudulently causes any person to sign, seal, execute, or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or the nature of the alteration.

Illustrations.

(*a*) A has a letter of credit upon B for Rupees 10,000, written by Z. A, in order to defraud B, adds a cypher to the 10,000, and makes the sum 100,000, intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(*b*) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B, and thereby of obtaining from B the purchase-money. A has committed forgery.

(*c*) A picks up a cheque on a Banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand Rupees. A commits forgery.

(*d*) A leaves with B, his agent, a cheque on a Banker, signed by A, without inserting the sum payable, and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand Rupees for the purpose of

of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand Rupees. B commits forgery.

(*e*) A draws a Bill of Exchange on himself in the name of B without B's authority, intending to discount it as a genuine Bill with a Banker, and intending to take up the Bill on its maturity. Here, as A draws the Bill with intent to deceive the Banker by leading him to suppose that he had the security of B, and thereby to discount the Bill, A is guilty of forgery.

(*f*) Z's will contains these words—"I direct that all my remaining property be equally divided between A, B, and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(*g*) A endorses a Government Promissory Note and makes it payable to Z, or his order, by writing on the Bill the words "Pay to Z, or his order," and signing the endorsement. B dishonestly erases the words "pay to Z, or his order," and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(*h*) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(*i*) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(*j*) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(*k*) A without B's authority writes a letter and signs it in B's name, certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an expressed or implied contract for service.

Explanation. 1. A man's signature to his own name may amount to forgery.

Illustrations.

(*a*) A signs his own name to a Bill of Exchange, intending that it may be believed that the Bill was drawn by another person of the same name. A has committed forgery.

(*b*) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a Bill of Exchange drawn by B upon Z, and negotiate the Bill as though it had been accepted by Z. A is guilty of forgery; and if B knowing the fact draws the Bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(*c*) A picks

(*c*) A picks up a Bill of Exchange payable to the order of a different person of the same name. A endorses the Bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable : here A has committed forgery.

(*d*) A purchases an estate sold under execution of a decreee against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate to Z at a nominal rent and for a long period, and dates the lease six months prior to the seizure with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(*e*) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors, and in order to give a color to the transaction writes a Promissory Note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2. The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration.

A draws a Bill of Exchange upon a fictitious person, and fraudulently accepts the Bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Punishment for forgery.

465. Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Forgery of a record of a Court of Justice, or of a public Register of Births, &c.

466. Whoever forges a document, purporting to be a record or proceeding of or in a Court of Justice, or a Register of Birth, Baptism, Marriage, or Burial, or a Register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgmetn, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

467. Whoever

467. Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest, or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any moveable property or valuable security, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Forgery of a valuable security or will.

468. Whoever commits forgery intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery for the purpose of cheating.

469. Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Forgery for the purpose of harming the reputation of any person.

"A forged document."

470. A false document made wholly or in part by forgery is designated "a forged document."

471. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

Using as genuine a forged document.

472. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under Section 467, or with such intent has in his possession any such seal, plate, or other

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable under Section 467.

other instrument, knowing the same to be counterfeit, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable otherwise.

473. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any Section of this Chapter other than Section 467, or with such intent has in his possession any such seal, plate, or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a valuable security or will known to be forged with intent to use it as genuine.

474. Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in Section 466, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in Section 467, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents described in Section 467, or possessing counterfeit marked material.

475. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document described in Section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

476. Whoever

Counterfeiting a device or mark used for authenticating documents other than those described in Section 467, or possessing counterfeit marked material.

476. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document other than the documents described in Section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulent cancellation, destruction, &c., of a will.

477. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys, or defaces, or attempts to cancel, destroy, or deface, or secretes or attempts to secrete, any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect to such document, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

OF TRADE AND PROPERTY-MARKS.

Trade-mark.

478. A mark used for denoting that goods have been made or manufactured by a particular person or at a particular time or place, or that they are of a particular quality, is called a trade-mark.

Property-mark.

479. A mark used for denoting that moveable property belongs to a particular person, is called a property-mark.

Using a false trade-mark.

480. Whoever marks any goods, or any case, package, or other receptacle containing goods, or uses any case, package, or other receptacle with any mark thereon, with the intention of causing it to be believed that the goods so marked, or any goods contained in any such case, package, or receptacle so marked, were made or manufactured by any person by whom

whom they were not made or manufactured, or that they were made or manufactured at any time or place at which they were not made or manufactured, or that they are of a particular quality of which they are not, is said to use a false trade-mark.

Using a false property-mark.

481. Whoever marks any moveable property or goods, or any case, package, or other receptacle containing moveable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked, or any property or goods contained in any case, package, or other receptacle so marked belong to a person to whom they do not belong is said to use a false property-mark.

Punishment for using a false trade or property-mark with intent to deceive or injure any person.

482. Whoever uses any false trade-mark or any false property-mark with intent to deceive or injure any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.

483. Whoever, with intent to cause damage or injury to the public or to any person, knowingly counterfeits any trade or property-mark used by any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.

484. Whoever, with intent to cause damage or injury to the public or to any person, knowingly counterfeits any property-mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the same is of a particular quality, or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

485. Whoever

485. Whoever makes or has in his possession any die, plate, or other instrument for the purpose of making or counterfeiting any public or private property or trade-mark, with intent to use the same for the purpose of counterfeiting such mark, or has in his possession any such property or trade-mark with intent that the same shall be used for the purpose of denoting that any goods or merchandize were made or manufactured by any particular person or firm by whom they were not made, or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.

486. Whoever sells any goods with a counterfeit property or trade-mark, whether public or private, affixed to or impressed upon the same or upon any case, wrapper, or receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandize not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, with intent to deceive, injure, or damage any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Knowingly selling goods marked with a counterfeit property or trade-mark.

487. Whoever fraudulently makes any false mark upon any package or receptacle containing goods, with intent to cause any public servant or any other person to believe that such package or receptacle contains goods which it does not contain, or that it does not contain goods which it does contain, or that the goods contained in such package or receptacle are of a nature or quality different from the real nature or quality thereof, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulently making a false mark upon any package or receptacle containing goods.

488. Whoever fraudulently makes use of any such false mark with the intent last aforesaid, knowing such mark to be false, shall be punished in the manner mentioned in the last preceding Section.

Punishment for making use of any such false mark.

489. Whoever

489. Whoever removes, destroys or defaces any property-mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Defacing any property mark with intent to cause injury.

CHAPTER XIX.

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490. Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person or any property from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Breach of contract of service during a voyage or journey.

Illustrations.

(*a*) A, a palanquin bearer, being bound by legal contract to carry Z from one place to another, runs away in the middle of the stage. A has committed the offence defined in this Section.

(*b*) A, a cooly, being bound by lawful contract to carry Z's baggage from one place to another, throws the baggage away. A has committed the offence defined in this Section.

(*c*) A, a proprietor of bullocks, being bound by legal contract to convey goods on his bullocks from one place to another, illegally omits to do so. A has committed the offence defined in this Section.

(*d*) A, by unlawful means, compels B, a cooly, to carry his baggage. B in the course of the journey puts down the baggage and runs away. Here, as B was not lawfully bound to carry the baggage, he has not committed any offence.

Explanation. It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient if the contract is legally made with any person, either expressly or impliedly, by the person who is to perform the service.

Illustration.

Illustration.

A contracts with a Dak Company to drive his carriage for a month. B employs the Dak Company to convey him on a journey, and during the month the Company supplies B with a carriage which is driven by A. A in the course of the journey voluntarily leaves the carriage. Here, although A did not contract with B, A is guilty of an offence under this Section.

Breach of contract to attend on and supply the wants of helpless persons.

491. Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or with both.

Breach of a contract to serve at a distant place to which the servant is conveyed at the master's expense.

492. Whoever, being bound by lawful contract in writing to work for another person as an artificer, workman, or laborer, for a period not more than three years, at any place within British India to which by virtue of the contract he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract, or without reasonable cause refuses to perform the service which he has contracted to perform, such service being reasonable and proper service, shall be punished with imprisonment of either description for a term not exceeding one month, or with fine not exceeding double the amount of such expense, or with both; unless the employer has ill-treated him or neglected to perform the contract on his part.

CHAPTER XX.

OF OFFENCES RELATING TO MARRIAGE.

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

493. Every man who by deceit causes any woman who is not lawfully married to him, to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description

description for a term which may extend to ten years and shall also be liable to fine.

Marrying again during the life-time of husband or wife.

494. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception. This Section does not extend to any person whose marriage, with such husband or wife, has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time, provided the person contracting such subsequent marriage shall before such marriage takes place, inform the person with whom such marriage is contracted, of the real state of facts so far as the same are within his or her knowledge.

Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.

495. Whoever commits the offence defined in the last preceding Section, having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Marriage ceremony gone through with fraudulent intent without lawful marriage.

496. Whoever dishonestly or with a fraudulent intention goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Adultery.

497. Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of

of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

Enticing or taking away or detaining with a criminal intent a married woman.

498. Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals, or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

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CHAPTER XXI.

OF DEFAMATION.

Defamation.

499. Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person, intending to harm or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1. It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2. It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3. An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4. No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral

moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgracefull.

Illustrations.

(*a*) A says—"Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the Exceptions.

(*b*) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the Exceptions.

(*c*) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the Exceptions.

Imputation of any truth which the public good requires to be made or published.

First Exception. It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Public conduct of public servants.

Second Exception. It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no farther.

Conduct of any person touching any public question.

Third Exception. It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no farther.

Illustrations.

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Publication of reports of proceedings of Courts of Justice.

Fourth Exception. It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Explanation. A

Explanation. A Justice of the Peace or other Officer holding an enquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above Section.

Merits of a case decided in a Court of Justice; or conduct of witnesses and others concerned therein.

Fifth Exception. It is not defamation to express in good faith any opinion whatever respecting the merits of any case, Civil or Criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness, or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no farther.

Illustrations.

(*a*) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this Exception if he says this in good faith; inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no farther.

(*b*) But if A says—"I do not believe what Z asserted at that trial, because I know him to be a man without veracity;"—A is not within this Exception, inasmuch as the opinion which he expresses of Z's character, is an opinion not founded on Z's conduct as a witness.

Merits of a public performance.

Sixth Exception. It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no farther.

Explanation. A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations.

(*a*) A person who publishes a book, submits that book to the judgment of the public.

(*b*) A person who makes a speech in public, submits that speech to the judgment of the public.

(*c*) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(*d*) A says of a book published by Z—"Z's book is foolish, Z must be a weak man. Z's book is indecent, Z must be a man of impure mind." A is within this Exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no farther.

(*e*) But

(*e*) But if A says—" I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine." A is not within this Exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Censure passed in good faith by a person having lawful authority over another.

Seventh Exception. It is not defamation in a person having over another any authority, either conferred by law, or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustrations.

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his Bank for the conduct of such cashier as such cashier—are within this Exception.

Accusation preferred in good faith to a duly authorized person.

Eight Exception. It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.

Illustrations.

If A in good faith accuses Z before a magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father—A is within this Exception.

Imputation made in good faith to a person for the protection of his interests.

Ninth Exception. It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations.

(*a*) A, a shopkeeper says to B, who manages his business—" Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the Exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(*b*) A, a Magistrate, in making a report to his superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith and for the public good, A is within the Exception.

Tenth Exception. It

Tenth Exception. It is not defamation to convey a caution, in good faith to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed or of some person in whom that person is interested, or for the public good.

Caution intended for the good of the person to whom it is conveyed or for the public good.

500. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Punishment for defamation.

501. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Printing or engraving matter known to be defamatory.

502. Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Sale of printed or engraved substance containing defamatory matter.

CHAPTER XXII.

OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

503. Whoever threatens another with any injury to his person, reputation, or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Criminal intimidation.

Explanation.--A

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this Section.

Illustration.

A, for the purpose of inducing B to desist from prosecuting a Civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

Intentional insult with intent to provoke a breach of the peace.

504. Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Circulating false report with intent to cause mutiny or an offence against the State, &c.

505. Whoever circulates or publishes any statement, rumour, or report which he knows to be false, with intent to cause any officer, soldier, or sailor in the Army or Navy of the Queen to mutiny, or with intent to cause fear or alarm to the public, and thereby to induce any person to commit an offence against the State or against the public tranquillity, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for criminal intimidation.

If threat be to cause death or grievous hurt, &c.

506. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or transportation, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Criminal intimidation by an anonymous communication.

507. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either

either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding Section.

Act caused by inducing a person to believe that he will be rendered an object of the divine displeasure.

508. Whoever voluntarily causes or attempt, to causes any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Illustrations.

(a) A sits dhurna at Z's door with the intention of causing it to be believed that by so sitting he renders Z an object of divine displeasure. A has committed the offence defined in this Section.

(b) A threatens Z that unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of divine displeasure. A has committed the offence defined in this Section.

Word or gesture intended to insult the modesty of a woman.

509. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Misconduct in public by a drunken person.

510. Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten Rupees, or with both.

CHAPTER XXIII.

OF ATTEMPTS TO COMMIT OFFENCES.

Punishment for attempting to commit offences punishable with transportation or imprisonment.

511. Whoever attempts to commit an offence punishable by this Code with transportation or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with transportation or imprisonment of any description provided for the offence, for a term of transportation or imprisonment which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this Section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket: A is guilty under this Section.

Printed at the Bengal Military Orphan Press.

ACT No. XLVI of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor-General on the 6th. October* 1860.)

An Act to authorize and regulate the Emigration of Native laborers to the French Colonies.

Preamble.

WHEREAS a Convention has been negotiated between Her Majesty the Queen of Great Britain and Ireland and His Majesty the Emperor of the French, comprising the following Articles :—

ARTICLE I.

The French Government shall be at liberty to recruit and engage laborers for the French Colonies in the Indian Territories belonging to Great Britain, and to embark Emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

ARTICLE II.

The French Government shall intrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of laborers for British Colonies.

ARTICLE IV. The

Article IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom h may employ, all the facilities and advantages afforded to the recruiting Agents for British Colonies.

Article V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

Article VI.

No Emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself either that the Emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

Article VII.

The contracts of service, with the exception provided for by Section 4 of Article IX, and by Section 2 of Article X, shall be made in India, and shall either bind the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

Article VIII.

The contracts shall, moreover, make stipulation for :—

1. The duration of the engagement, at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government,

Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government Officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX, and XXI of the present Convention.

ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

ARTICLE X.

Article X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the laborer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

Article XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

Article XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the Depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who on their part may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

Article XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For

For other Colonies they may leave only from the 1st of August to the 15th of March. This arrangement applies only to sailing vessels; vessel using steam power may leave at any time of the year.

Every Emigrant sailing from India for the Antilles, between the 1st of March and the 15th of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

ARTICLE XIV.

Every Emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of Emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the Port of embarkation for the British Consular Agent at the Port of destination and to deliver it to the Colonial Government immediately after his arrival.

ARTICLE XV.

In every vessel employed for the conveyance of Emigrants, subjects of Her Britannic Majesty, the Emigrants shall occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

ARTICLE XVI. Each

Article XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

Article XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

Article XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

Article XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all laborers disembarked who are subjects o Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "List of distribution" shall be delivered to the Consular Agent.

He

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the laborer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

ARTICLE XXI.

In the distribution of laborers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No laborer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, health, and equipment which may apply to French vessels.

ARTICLE XXIII. The

ARTICLE XXIII.

The labor regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labor more stringent than those prescribed by the said regulations.

ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Re-union, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

ARTICLE XXVI.

The present Convention shall begin to take effect on the 1st of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

It is

It is understood that the stipulations of the present Convention relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favor of the said Indians until they shall either have been sent back to their own country or have renounced their right to a return-passage.

And whereas a Convention was concluded and signed at Paris on the 25th day of July 1860 between Her said Majesty the Queen of Great Britain and Ireland and His said Majesty the Emperor of the French, consisting of the same Articles, but limited to the emigration to the French Colony of Re-union from India of Native laborers to the number of not more than six thousand :

And whereas it is necessary, in order to give effect to the said Conventions, and for the due protection of Natives of India emigrating to French Colonies, that an Act of the Legislative Council of India should be passed ; It is enacted as follows :—

Acts repealed.

I. Act XIV of 1839 and Section III Act XXIV of 1852 are repealed in so far as they render liable to penalties every person who shall make with any Native of India any contract to be performed in the French Colonies of Re-Union, Martinique, Gaudeloupe and its dependencies, or Guiana, or in any other French Colony in which a British Consular Agent has been or shall hereafter be established, and to which this Act shall be extended by an order of the Governor-General of India in Council as hereinafter provided, or who shall knowingly aid or abet any Native of India in emigrating from the Ports of Calcutta, Madras, and Bombay respectively, or from any French Port in India to any of the said Colonies.

Nomination of Agents for Calcutta, Madras, and Bombay.

Proviso.

II. The French Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras, and Bombay. Provided that such person, before entering on the duties of his office under this Act, shall have been approved by Her Majesty.

III. The

Powers of Agents.

III. The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native laborers for all or any of the French Colonies aforesaid.

Operations of recruitment.

IV. The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native laborers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and advantages afforded to the Emigration Agents for British Colonies.

Protector of Emigrants.

V. The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of laborers emigrating under the provisions of this Act. In French Ports in India the duty confided to the British Consular Agents by Article V of the said Convention shall be performed under such instructions as may be given by the Governor-General in Council on that behalf.

Contracts of service, with certain exceptions, to be made in India. Effect of contract.

VI. All contracts of service made with laborers emigrating under this Act, except the contracts mentioned in Section 4 of Article IX and Section 2 of Article X of the above recited Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony to which he emigrates.

Matters to be provided for in contract.

VII. The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

1. The duration of the engagement at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The

2. The number of days and hours of work.

3. The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Gratuitous medical treatment for the Emigrant, except in cases where in the opinion of the proper Government Officer, his illness shall have arisen from his own misconduct.

5. In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX, and XXI of the Convention hereinbefore recited.

Emigrant ships to be licensed.

VIII. It shall not be lawful to convey any Emigrant, being a native of India, who may embark for the purpose of laboring for hire in any one of the said Colonies from any of the three British Ports aforesaid in any ship or vessel, unless a license be obtained for carrying Emigrants in any such ship or vessel from the Government of the Presidency in which the Port is situated. A fee, not exceeding one Rupee per Emigrant, as may be regulated from time to time by the local Government, shall be demandable in respect of every such license, which fee shall be carried to the credit of the said Government, and the granting or withholding any such license shall be entirely discretionary with the Government; and in consideration of such license the Master of every ship conveying or destined to convey Emigrants from India, shall execute a Bond binding himself and his owners in a penal sum of ten thousand Rupees to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate, that it may be put in suit either at the place of execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the British Consular Agent at such Colony, to be dealt with as the case may require. And every ship or vessel in which any such Emigrant shall be embarked without a license being obtained as aforesaid, shall be liable to be forfeited, and the Master thereof shall be liable, as for a misdeameanor, to a fine of one hundred Rupees for every such Emigrant so illegally embarked.

Fee for license.

Master of ship to give Bond.

Penalty if ship be not licensed.

IX It

IX. It shall not be lawful for the Master of any vessel licensed as above mentioned to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a certificate or pass, to be given to him by the Emigration Agent of the Port under this Act, countersigned by the Protector of Emigrants, stating his name and the name of his father, and his age, and certifying that, having appeared before such Agent, he has declared his willingness to proceed to work for hire in the Colony to which such vessel is bound, and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

Master of vessel not to receive on board any emigrant without a certificate.

Certificate what to state, &c.

X. The Protector of Emigrants shall ascertain, by personal communication with every Emigrant previously to his or her embarkation from the Port or place for which such Protector shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud or by any false or unreasonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark, and that the real advantages likely to be derived from a removal to such Colony have been explained to such Emigrant, and that such Emigrant has been duly cautioned against unreasonable and unwarrantable expectations; and that every such Emigrant is in good health and not incapacitated from labor by old age, bodily infirmity, or disease; provided that every such Protector shall make the enquiries specified in such Section in an open Court or public Office to which all persons shall have admission.

Protector to hold personal conference with every Emigrant before embarkation.

Enquiries to be made in public.

XI. Before any ship or vessel, so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any of the Colonies aforesaid, it shall be necessary for the Master of such ship or vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Protector of Emigrants at such Port as aforesaid, a certificate, under the hand of such Protector, to the effect following, that is to say—

Before Port-clearance, Master of Ship to obtain certificate from Emigration Agent stating—

First.—That such Protector has by personal communication done what is required on the part of such Protector by the last preceding Section of this Act.

That the foregoing Section has been complied with.

Second.—That

That the directions in this Act as to health &c. have been complied with.

Second.—That all the directions contained in this Act for ensuring the health and safety of passengers have been duly complied with.

That the rules issued by the Governor-General in Council as to Medical attendance &c., have been complied with.

Third.—That such rules have been complied with as the Governor-General in Council shall from time to timeframe touching the Medical attendance and Medical stores and the proper clothing to be provided, the species of provisions suited to Native habits, the number of women that should accompany the Emigrants, or other matters.

Probable lengths of voyage.

XII. The probable lengths of the voyages to the several French Colonies from the Ports aforesaid shall be deemed for the purposes of this Act to be as follows :—

From the Port of Calcutta to Re-Union—

Between the months of April and October inclusive, ten weeks.

Between the months of November and March inclusive, eight weeks.

From the Port of Madras—

Between the months of April and October inclusive, seven weeks.

Between the months of November and March inclusive, five weeks.

From the Port of Bombay—

Between the months of April and September inclusive, five weeks ; and between the months of October and March inclusive, six weeks.

From the Port of Calcutta to Martinique, Guadeloupe and its dependencies, twenty weeks.

From the Port of Madras, nineteen weeks.

From the Port of Bombay, nineteen weeks.

From the Port of Calcutta to Guiana, twenty-six weeks.

From the Port of Madras, nineteen weeks.

From the Port of Bombay, nineteen weeks.

Provided that the Governor-General of India in Council may, by order to be published in the Calcutta Gazette, extend this Act to any other French

 Colony

Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the above recited Convention shall ibe extonded, and in such order may declare the probable length of the voyage to such Colony. Such declaration shall have the same force and effect as if it formed part of this Section.

Time of sailing.

XIII. *Clause* 1.—Emigrants may leave India for the French Colonies to the East of the Cape of Good Hope at all times of the year.

Clause 2.—For the other French Colonies they may leave only from the 1st of August to the 15th of March. This arrangement applies only to sailing vessels; vessels using steam power may leave at any time of the year.

Clause 3.—Every Emigrant sailing from India for any French Colony Westward of the Cape of Good Hope between the 1st of March and the 15th of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

Emigrant vessel to carry an European Surgeon and an Interpreter. Captain to take charge of Despatches from the Protector to the British Consular Agent.

XIV. Every Emigrant vessel must carry an European Surgeon and an Interpreter. The Master of every Emigrant vessel shall be bound to take charge of any despatch which may be delivered to him by the Protector of Emigrants at the Port of embarkation, for the British Consular Agent at the Port of destination, and to deliver it to the Colonial Government immediately after his arrival.

Space to be set apart for Emigrants on board ship.

XV. *Clause* 1.—In every vessel employed for the conveyance of Emigrants, the Emigrants shall occupy, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of five feet and a half.

Clause 2.—No

Clause 2.—No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal, and for every cubic space of sixty feet in the Presidencies of Bombay and Madras.

Clause 3.—An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

Clause 4.—A place shall be fitted up for a hospital in every Emigrant ship.

Clause 5.—Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

Amount or proportion of provisions to be carried by Emigrant vessel over and above the victualling of the crew.

XVI. There shall be actually laden on board of every ship or vessel conveying Emigrants into any of the Colonies aforesaid at the time of departure of such ship or vessel from the Port at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said passengers, over and above the victualling of the crew, to the amount or in the proportion following: that is to say—a supply of water to the amount of five gallons for every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks; and a supply of rice, bread, biscuit, flour, oatmeal, or bread stuffs to the amount of seven pounds' weight to every week of the computed voyage for every such passenger. Provided always that, when any such ship or vessel shall be destined to call at a Port or place in the course of a voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such Port or place of calling shall be deemed to be a compliance with this Regulation; and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear that, by the special authority of the Governor-General of India in Council, any other articles of food were substituted for the articles above enumerated, as being in his judgment equivalent thereto. Provided also that when any such ship or vessel is fitted with Normandy's Apparatus for distilling sea-water, a reduction shall be allowed of one-third in the quantity of water required to be provided as aforesaid.

Proviso.

XVII. Before

Before Port-clearance Master of vessel to obtain a Survey Certificate.

XVII. Before any such ship or vessel shall be cleared out on any such voyage, the Protector of Emigrants at the Port or place from which such ship or vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water herinbefore required to be on board for the consumption of passengers, and shall ascertain that the same are in good and sweet condition, and also that, over and above the same, there is on board an ample supply of water and stores for the victualling of the crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed sea-worthy, and that the directions hereinbefore contained for ensuring the health and safety of the passengers have been complied with, and shall grant a certificate thereof, under his hand, to the Master of such ship or vessel.

Up to what time Master of vessel to furnish Emigrants with provisions.

XVIII. The Master of every ship or vessel conveying Emigrants to any of the said Colonies shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome provisions for his, her, and their daily maintenance during such voyage, and during the space of forty-eight hours next after the arrival of such ship or vessel at the place of destination.

Emigrant vessel to carry copies and translations of these Regulations.

XIX. Two copies of Sections X to XX inclusive of this Act, and two copies of a translation thereof in such Native language as the local Government may direct, authenticated by the signature of the Protector of Emigrants at the Port or place at which such Emigrants shall embark, shall be delivered to the Master by such Protector at the time of clearance, and shall be kept on board of every ship or vessel carrying such Emigrants as aforesaid, during the whole voyage, and one of such copies or translations shall, upon request made at any reasonable time to the Master of the ship or vessel, be produced to any passenger for his perusal.

Master to deliver list to Emigration Agent.

XX. The Master of every ship or vessel carrying Emigrants from India to any of the Colonies aforesaid shall, before clearing out such ship or vessel, deliver to the Protector of Emigrants at the Port or place from which such vessel is cleared out, a list in writing, together with a duplicate of the same, specifying, as accurately as may be, the names, ages, and occupations of all and every the Emigrants

on

on board such ship or vessel, and such Protector shall thereupon deliver to the said Master the counterpart of such list signed by such Protector; and the said Master shall, on the arrival of such ship or vessel at the place of destination, and previous to the disembarkation of any such Emigrants, give notice of the arrival of such ship or vessel, and deliver the said counterpart of such list to the British Consular Agent at the Colony at which the said ship or vessel may have arrived.

Penalty for non-compliance with particulars required before clearance.

XXI. If the Master of any ship or vessel shall, at any of the Ports aforesaid, take on board such ship or vessel any Emigrant laborer of the description aforesaid, and shall clear such ship or vessel for any of the said Colonies without having fully complied with every particular herein required previously to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, to a penalty not exceeding two hundred Rupees for every Emigrant laborer so taken on board his ship or vessel.

Penalty for taking on board, after clearance, Emigrants not entered in list.

XXII. If the Master of any ship or vessel shall, after having cleared such ship or vessel at any such Port as aforesaid for any of the said Colonies, take on board any such Emigrant laborer as aforesaid without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid, containing the entry of such Emigrant prior to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, to a penalty not exceeding five hundred Rupees for every Emigrant so taken on board his ship or vessel.

Penalty for fraudulent acts whereby certificate becomes inapplicable to the altered state of the vessel.

XXIII. If any Master of any ship or vessel cleared for any of the said Colonies as aforesaid shall, after having obtained such certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship or vessel, its passsengers, or other matters to which such certificate relates, such Master shall be liable on conviction to a penalty not exceeding five thousand Rupees, besides incurring a forfeiture of any Bond executed in consideration of any license obtained for the vessel as originally described.

XXIV. All

Custom House Officers and Pilots to exercise, for the purposes of this Act, certain powers vested in the former for the prevention of smuggling.

XXIV. All the powers vested by law in the Officers of Customs in regard to the searching and detention of ships or vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of illegal embarkation of such Emigrants as aforesaid on board ships or vessels bound for any of the said Colonies and of other offences against this Act; and all Pilots in the service of the Government of India shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

Custom House Officers and Pilots at Calcutta to countersign papers.

XXV. Whenever a vessel shall clear from Calcutta for any of the said Colonies with Emigrant laborers duly embarked thereon, the Customs Officer on Board such vessel shall countersign the pass or certificate brought on board such vessel by every such Emigrant laborer, and shall keep a register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such vessel until she shall arrive in Saugor roads, and shall not come away until muster of the crew and passengers and Emigrant laborers has been made in his presence and in that of the Pilot in charge of the vessel; and after the Customs Officer has taken muster and quitted the vessel, the Pilot shall continue to exercise the duties indicated in the last preceding Section of this Act; and it shall be lawful for him, if he shall deem it necessary, to require the Master or Commander to take a general muster of the crew and passengers and Emigrant laborers on board, and to sign a muster roll so taken. And every such Custom House Officer and Pilot shall make a complete report of the Emigrant laborers on board of any ship at the time of his quitting the same; and such report shall contain a declaration that to the best of the declarant's belief no additional Emigrant laborers have been received on board since obtaining the certificate, and that nothing else has been done or omitted to be done in the ship or vessel contrary to the provisions of this Act; and every such report or muster (if any) shall be transmitted without delay to the Protector of Emigrants at the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous, or incomplete report of the Emigrant laborers on board of any ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers,

To muster crew and passengers and Emigrants.

Report of Emigrants on board.

Penalty.

laborers, shall be liable, besides dismissal, to a fine of five hundred Rupees, commutable if not paid to imprisonment in the Civil Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

Punishment for forgery of document required by this Act.

XXVI. If any person shall forge, or shall use knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

Penalties how to be enforced.

XXVII. All the several penalties to which the Masters of ships or vessels are liable by this Act shall be enforced by information laid before any Magistrate or Justice of the Peace at the instance of the Protector of Emigrants or of any Officer appointed for the purpose by the Government of the Presidency or place, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the license granted to the ship.

Levy of fines.

XXVIII All fines and penalties imposed by a Magistrate or Justice of the Peace under the authority of this Act, if no other means for enforcing the payment of such fines and penalties are provided by this Act, may in case of non-payment thereof be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate or Justice. When a warrant of distress is issued, the Magistrate or Justice may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance ; but if before issuing such warrant of distress it shall appear to the Magistrate or Justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate or Justice whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress ; and in such case, or if such warrant shall have been issued and upon the return thereof such insufficiency aforesaid shall be made to appear to the Magistrate or Justice, he shall, by warrant, commit the offender to jail, there to be imprisoned, according to the discretion of the Magistrate or Justice, for any term not exceeding two months where the amount of the fine

fine shall not exceed fifty Rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Numerical proportion of women to men by each shipment.

XXIX. Each shipment of Emigrants under this Act shall include a proportion of women equal to at least one fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as has been or may be fixed for the British Colonies.

Protector to have right of access to every part of the ship.

XXX. The Protector of Emigrants shall have at all reasonable times the right of access to every part of every ship which is appropriated to the use of Emigrants under this Act.

Act when to take effect.

XXXI. This Act shall take effect as to the Emigration of Native laborers from India to the number of not more than six thousand to the Island of Re-union, from the time of the passing thereof, and shall take effect generally as to Emigration to the said Island and to Martinique, Guadeloupe and its dependencies, and Guiana, from the time when the Convention herein recited and set forth shall have been concluded and signed and shall take effect, and as to Emigration to any other French Colony, from such date as the Governor-General in Council in extending this Act to such Colony shall determine. From the time this Act shall so take effect, it shall continue in force so long as the said Convention shall continue in force and no longer. Provided that Act XIX of 1856 *(to enable the Governor-General of India in Council to suspend the operation of certain Acts relating to the Emigration of Native laborers)* shall have full force and effect in respect to the Emigration of Native laborers to any or all of the French Colonies under this Act.

ACT No. XLVII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 6th. October 1860.*)*

An Act for giving to the Universities of Calcutta, Madras, and Bombay the power of conferring Degrees in addition to those mentioned in Acts II, XXII, and XXVII of 1857.

Preamble.

WHEREAS it is expedient to give to the Universities of Calcutta, Madras, and Bombay, established under Acts II, XXII, and XXVII of 1857, the power of conferring Degrees other than the Degrees in that Act expressly provided for; It is enacted as follows:—

Power of Universities to confer degrees.

I. It shall be competent to the Chancellor, Vice Chancellor, and Fellows of the Universities of Calcutta, Madras, or Bombay repectively to confer such Degrees and to grant such Diplomas or Licenses in respect of Degrees as the said Chancellor, Vice Chancellor, and Fellows of any such University shall have appointed or shall appoint by any Bye-laws or Regulations made and passed or to be made or passed by them in the manner provided in the said Acts, and submitted to and approved by the Governor-General in Council as far as regards the University of Calcutta, or by the Governor in Council of Madras or Bombay as regards the Universities of Madras and Bombay respectively.

Construction.

II. All the provisions contained in the said Acts II, XXII, and XXVII of 1857 with respect to the Degrees therein mentioned and to the examinations for those Degrees shall apply to any Degrees which may be conferred under this Act and to the examinations for such Degrees.

ACT No. XLVIII OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor-General on the 26th December* 1860).

An Act to amend Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*).

Whereas it is expedient to amend certain provisions of Act XIII of 1856; It is enacted as follows:—

Preamble.

Sections repealed.

I. Sections XIII, XV, XXXII, XXXIII, XXXIV, XXXVIII, XXXIX, XL, XLIII, L, LI, LII, LV, LIX, LXVII, LXXV, LXXVI, LXXVIII, LXXXI, LXXXII, XCIX, CV, CXII, and CXV, of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*), are repealed, and the following Sections shall be read with and taken as part of the said Act XIII of 1856.

Police Officers taking bribes.

II. Whoever, being a member of the Police Force or being employed in any Police Office, asks for or takes any bribe or unauthorized reward, may be dismissed by order of the Commissioner, and upon conviction before a Magistrate shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding six months.

Members of Police Force not to resign without leave, or six or two months' notice.

III. No member of the Police Force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have

given

given to the Commissioner six months' notice of his intention if a member of the mounted branch of the said Force, and two months' notice if a member of any other branch; and every member of the said Force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, if such Magistrate shall think fit, to pay a fine not exceeding fifty Rupees, or to be imprisoned with or without hard labor for any term not exceeding two months.

Jurisdiction of Police Magistrate in certain cases.

IV. *Clause* 1. Whenever in the Towns of Calcutta and Madras, or in any of the Stations of the Straits Settlement, any person is charged before the Magistrate with having committed any of the offences mentioned in Sections XXVII, XXVIII, and XXIX of Act XIII of 1856, or with having committed within the local limits of the Supreme Court or of the Courts of Judicature of such Stations, the offence mentioned in Section V of Act XXXI of 1838, and by reason of the value of the property charged to have been stolen, embezzled, misapplied, or obtained or attempted to be obtained under false pretences, or for any other cause, the offence is not by law summarily cognizable by a single Magistrate, and some material witness is about to sail from the Port, it shall be lawful for two Magistrates, upon proof of the matters aforesaid, if they shall deem it probable (with reference to the time appointed for the departure of the ship or vessel in which such witness is about to sail) that the prosecution by indictment in the Supreme Court or in the Court of Judicature of the person so charged will be ineffectual in consequence of the absence of such material witness, to hear and determine the charge summarily under this Act, and, on conviction, to sentence the offender to imprisonment with or without hard labor for a term not exceeding twelve months, and in cases falling under the said Section XXVII, also to sentence such offender, if a male, to corporal punishment not exceeding thirty stripes of a rattan.

Similar charges at Bombay to be tried by the Petty Sessions.

Clause 2. In the Town of Bombay a Magistrate may commit persons charged with such offences as aforesaid for trial before the Court of Petty Sessions, and the said Court may, on conviction, sentence the offender to a like term of imprisonment or punishment.

Commitment to Supreme Court.

Clause. 3. It shall be lawful for the said two Magistrates and the said Court of Petty Sessions respectively, if they deem that the charge is from any circumstances fit to be made the

subject of prosecution by indictment rather than to be summarily disposed of, to commit the person charged for trial before the Supreme Court or Court of Judicature.

Restitution of stolen property, if forthcoming, to owner, or imposition of fine on offender.

V. Upon a conviction for any of the offences mentioned in Sections XXVII, XXVIII, and XXIX of Act XIII of 1856, or under the foregoing Section of this Act, the Magistrate or Magistrates (as the case may be), and in Bombay the Court of Petty Sessions in cases committed to that Court, may order the restitution of the property forming the subject of the charge, if forthcoming, to the owner: and in case of its not being restored pursuant to such order, may impose on any person refusing or neglecting to restore the same a fine not exceeding the value of the said property, which the Magistrate or Court may order to be paid to the owner or his representative.

Imposition of fine (in addition to punishment for the offence) to indemnify owner for loss sustained.

VI. Upon a conviction for any of the offences mentioned in Sections XXVII, XXVIII, and XXIX of Act XIII of 1856, and in Section IV of this Act, the Magistrate or Magistrates (as the case may be,) and in Bombay the Court of Petty Sessions in cases committed to that Court, may impose upon the offender, in addition to the punishment for the offence, a fine not exceeding the loss appearing to be caused to the persons who have suffered thereby, and may pay or distribute the proceeds of the said fine or any part thereof, to or for the benefit of the said persons.

Assaulting Policeman in execution of duty.

VII. Whoever assaults or resists, or aids or incites any person to assault or resist any Police Officer in the execution of his duty, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding six months, ~~and if the offender shall~~ at the time of committing the offence be undergoing a former sentence of imprisonment, the imprisonment awarded under this Section shall commence and take effect from and after the expiration of such former sentence.

Penalty for escaping from a place of legal confinement.

VIII. Whoever escapes or attempts to escape from or out of any legal custody, shall be liable to be imprisoned with or without hard labor for any term not exceeding three months; and such imprisonment shall commence and take effect from and after the expiration of any sentence of imprisonment under which such

such person may be confined at the time of committing the offence aforesaid.

Penalty for wilful trespass on property.

IX. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, or any land or ground attached thereto, not thereby causing any actual damage, or on any ground belonging to Government, or appropriated to public purposes, shall be liable to a fine not exceeding twenty Rupees.

Magistrate may make order of maintenance for wives and children.

X. If any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem reasonable ; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner hereinafter provided for levying fines ; or may order him to be imprisoned with or without hard labor for any term not exceeding one month. Provided always that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction. Provided also that if such person offers to maintain his wife on condition of her living with him, and his wife shall refuse to live with him, it shall be lawful for the Magistrate to consider any grounds of refusal stated by such wife ; and he may make the order aforesaid, notwithstanding such offer aforesaid, if he shall be satisfied that such person is living in adultery or that he has habitually treated his wife with cruelty.

Proviso.

Calcutta and Madras.

Penalty for keeping Taverns and places of public entertainment without a license from the Commissioner of Police.

XI. Whoever, in the Towns of Calcutta and Madras has or keeps any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy-shop, or place for the sale or consumption of Gunja, Chandoo, or other preparation of Opium, Hemp, or other intoxicating drug, plant, or substance, or any Eating-house, Coffee-house Boarding-house, Lodging-house, or other place of public resort and entertainment, wherein provisions, liquors, or refreshments are sold or consumed (whether the same be kept or retailed therein

therein or procured elsewhere), without a license from the Commissioner of Police; and whoever in the Town of Bombay has or keeps any such Hotel, Tavern, shop, or place, or who sells by retail in any place any spirituous or fermented liquors without such license, shall be liable to a fine not exceeding fifty Rupees for every day that such unlicensed house or place of any kind is kept open, or that such unlicensed sale is continued; provided that nothing in this Section shall apply to the sale, in reasonable quantities, of any drug, plant, or substance in any Druggist's or Chemist's shop for medicinal purposes only.

Bombay.

Penalty for keeping such house and for retailing spirits in any place without a license.

XII. The Commissioner of Police shall, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid in the said Towns, and upon such conditions, to be inserted in every such license, as he, with the sanction of the local Government, from time to time, shall order, for securing the good behaviour of the keepers of the said houses or places of public resort and entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any term not exceeding one year; provided always that it shall not be lawful for the said Commissioner to grant a license to open or establish, or keep open, any house of public entertainment in which any provisions, liquors, or refreshments of any kind, or in which any Gunja, Chandoo, or other preparation of Opium, Hemp, or other intoxicating drug, plant, or substance, may be sold or consumed, to any person who has not taken out a license for the retail sale of such articles, if a license be necessary, under the Abkaree or Excise Laws for the time being in force; and any such license granted by the Commissioner shall become void whenever the license necessary under the Abkaree or Excise Laws shall terminate or be re-called. And every holder of such license may be required by the Commissioner to fix in a conspicuous part of the house or place specified in the license a board, on which shall be legibly painted, in the English and Vernacular languages, the name of the holder, and the articles he is licensed to deal in. For every license granted under this Section there shall be levied a fee of one Rupee. But such fee shall not interfere with the levy of any fee, tax, or duty on licenses to retail spirituous liquors in the Islands of Bombay and Colaba chargeable under Act V of 1842.

Licenses by Commissioner of Police for keeping Taverns and places of public entertainment.

Licenses to be granted only to persons who have taken out the requisite Abkaree licenses.

Fees on licenses.

Forfeiture of license and fine.

XIII. A breach of any of the conditions of a license granted under the last preceding Section shall, besides forfeiture of the license, be punishable by a fine not exceeding one hundred Rupees, and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale.

Brothels.

XIV. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, such Commissioner or Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it, and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees for every day thereafter that the house shall be so used.

Common gaming-houses.

XV. When any cards, dice, gaming-table, or cloth, board, or other instruments of gaming, are found in any house, room, or place, if information has been given on oath to the Commissioner of Police that it is suspected of being used as a common gaming-house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

Taking pledge from child under the age of fourteen.

XVI. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge, or security for any sum of money lent or advanced to such child, or without the knowledge and consent of the owner of the article, buys from such child any article whatsoever, shall be liable to a penalty not exceeding one hundred Rupees.

Penalty for using false weights and measures.

XVII. Whoever, dealing in any articles by retail, has, in or about his shop or premises, or otherwise in his possession, without lawful or satisfactory excuse, any false instrument for weighing, or any false weight, or false measure of length

or

or capacity, shall be liable to a fine not exceeding fifty Rupees, or to imprisonment with or without hard labor for a term not exceeding one month; and every such false instrument, weight, or measure shall be forfeited and destroyed.

Standards of weights and measures.

Weights and measures shall be held to be false when they do not agree with standards to be kept in the Office of the Commissioner of Police, and in Bombay when they do not agree with the standards to be kept in the Offices of the Commissioner of Police and of the Clerk of the Markets.

Powers of Inspector &c., to enter shops to seize false weights and measures.

XVIII. Any Inspector or superior Officer of Police may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for weighing which he may have reason to believe is false. The power granted by this Section may, in Bombay, be exercised by the Clerk of the Markets.

Penalty for the following offences in public streets, &c.

XIX. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the local Government, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding fifty Rupees:—

Furious or negligent driving or riding.

1. Whoever drives or rides any animal, or drives any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others.

Driving &c., elephant or camel.

2. Whoever drives, rides, or leads any elephant or camel without permission from the Commissioner of Police.

Driving a vehicle without a sufficient light.

3. Whoever drives any vehicle of any description, at any time between three quarters of an hour after sun-set, and one hour before sun-rise, without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moonlight to render such light unnecessary.

Driving vehicle otherwise than on left side of the road.

4. Whoever, without reasonable cause, shall drive a carriage, cart, or other vehicle otherwise than on the left or near side of the road.

5. Whoever

Exposing for show, horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner.

5. Whoever exposes for show, hire, or sale, any horse or other animal, or any carriage, or cleans or dresses any horse or other animal, or cleans any carriage or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident where repair on the spot is necessary; or trains or breaks any horse, except in such place and at such times as may be allowed by the Commissioner.

Letting loose horses, ferocious dogs, &c.

6. Whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal.

Negligence in driving cattle.

7. Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in any wise misbehaves himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction..

Leaving cart, &c., without control.

8. Whoever, being in charge of a cart, carriage, or horse, leaves it at such a distance as not to have the same under due control.

Obstructing road or thoroughfare by carriage, &c.

9. Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; or leaves any cart, carriage, or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing foot-way.

10. Whoever leads or rides any horse or other animal, or draws or drives any cart, carriage, or truck upon any foot-way, or fastens any horse or animal so that it can stand across or upon any foot-way

Obstructing throughfare by boxes, bales of goods, &c.

11. Whosoever leaves any box, bale of goods, or any other thing whatsoever so as to cause obstruction in any thoroughfare.

12. Whoever

Exposing articles for sale so as to cause obstruction.

12. Whoever exposes for sale, or sets out in or upon any stall, booth, show-board, cask, or basket, or otherwise, any meat, fish, vegetable, fruit, groceries, or any other thing whatsoever, so as to cause obstruction in any thoroughfare.

Beating drums, tom-tom, &c.

13. Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other metal instrument, or utensil, except at such times and places as shall be from time to time allowed by the Commissioner of Police.

Lighting fires and discharging guns, fire-works, &c.

14. Whoever sets fire to, or burns any straw or other matter, or lights any bonfire, or wantonly discharges any fire arm or air-gun, or jets off or throws any fire-work, or sends up any fire-balloon, in or near any public street, road, or thoroughfare, except at such times and places as shall from time to time be allowed by the Commissioner of police.

Illuminations.

15. Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Affixing bills, or otherwise defacing houses, &c.

16. Whoever, without the consent of the owner or occupier, affixes any bill or notice, or any paper, against or upon any building, wall, or fence, or writes upon, defaces, or marks any such building, wall, or fence with chalk, or paint, or in any way whatsoever.

Bathing, &c., in public street or aqueduct.

17. Whoever bathes or washes himself in any public street, or in, upon, or by the side of any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Obstructing persons at bathing places.

18. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs at or near such place, or in any other way.

19. Whoever

Indecent language.

19. Whoever uses any indecent, threatening, abusive, or insulting words, or behaves in a threatening or insulting manner, or posts up or affixes, or exhibits any indecent, threatening, abusive, or insulting printed, lithographed, or written paper or drawing, with the intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Commissioner of Police in Bombay to make rules for blasting of rocks.

XX. The Commissioner of Police in Bombay shall, from time to time, subject to the orders of the local Government, make and publish in the Government Gazette, rules for the blasting of rocks in or near any public road, street, thoroughfare, or place, in the Islands of Bombay and Colaba; and may give licenses for such operations when he shall think fit, and every person who shall blast any such rocks, otherwise than according to the provisions of such rules, or who shall violate any condition of a license granted under this Section, shall be liable to a fine not exceeding one hundred Rupees.

Cruelty to animals.

XXI. Whoever cruelly beats, ill-treats, abuses, or tortures, or causes or procures to be cruelly beaten, ill-treated, abused, or tortured any animal, shall, for every such offence, be liable to a fine not exceeding one hundred Rupees, and in default thereof to imprisonment with or without hard labor for a period not exceeding three months.

Penalty for drunkenness, or riotous or indecent behaviour in public.

XXII. Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly, or indecent behaviour in any street or thoroughfare, or in any place of public amusement or resort; and whoever is guilty of any violent, disorderly, or indecent behaviour in any Police Court, Office, Station, or Section House, shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labor, for a term not exceeding fourteen days.

In Calcutta and the Ports of the Straits Settlement, passenger boats to be registered.

XXII. No boat shall ply for passengers in the Port of Calcutta, or in any of the Ports of the said Settlement, unless duty registered at the Police Office. The following particulars shall be entered in the Register :—

First.—Number of the boat.

Second.—Name and residence of the owner, and of the manjee.

Third.—Number

Third.—Number of the crew.

Fourth.—Number of persons the boat is permitted to carry.

Registration.

The registration shall be in force for one year; and every change of the owner or manjee within that time shall be therein noted. A fee of one Rupee shall be paid on registration.

Name of owner or manjee, number, &c., to be painted.

The owner or manjee of every such registered boat shall cause to be painted on a conspicuous part of it, in the English and Vernacular languages, the registered number thereof, the number of the crew, and the number of passengers permitted to be carried.

Penalty.

The owner or manjee of a boat plying for passengers without being duly registered, or carrying more passengers, or with a less crew than is stated in the register, or not having the prescribed particulars painted on it, shall be liable to a fine not exceeding fifty Rupees.

Fees on summons and subpœna.

XXIV. For every summons issued by the Commissioner of Police or a Magistrate under this Act, there shall be paid a fee of eight annas, and for every subpœna so issued there shall be paid a fee of four annas.

Proviso.

Provided that it shall be lawful for such Commissioner or Magistrate in any case to remit such fee or fees if he shall be satisfied that the party complaining is unable to pay the same, or if the complaint is made by any Police Officer in execution of his duty.

Power to Magistrates to order prisoners to be brought up to the Police Office.

XXV. When any Magistrate is desirous of examining any prisoner confined in a Civil or Criminal Jail or House of Correction as a witness or defendant, with respect to any charge, case, or proceeding pending before him, it shall be lawful for such Magistrate to issue an order addressed to the Keeper or Governor of the said Jail or House of Correction, requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office, for examination; and the Keeper or Governor of the said Jail or House of Correction, on the receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

XXVI. All

Levy of fines.

XXVI. All fines and penalties imposed by a Magistrate of Police under the authority of this Act, or of any other Act heretofore passed, or which shall hereafter be passed, if no other means for enforcing the payment of such fines and penalties are or shall be provided by such Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe custody, until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and, upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall, by warrant, commit the offender to jail, there to be imprisoned, with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Punishment for non-attendance on summons or subpœna.

XXVII. When any person shall be served with a summons or subpœna under this Act, and shall fail to attend before the Commissioner or Magistrate issuing such summons or subpœna, according to the exigency thereof, he shall be liable to a fine not exceeding twenty Rupees for every such offence, and in default of payment to imprisonment for one week if the fine be not sooner paid.

Stray animals to be impounded and sold unless redeemed within ten days.

XXVIII. It shall be lawful for all persons, and it is hereby declared to be the special duty of all Police Officers, to seize all cattle or other animals found straying upon the roads, streets, or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, or of the Government, and to confine such animals in any public pound which shall for such purpose be, from time to time, appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by

by the owners of the same within ten days after being so pounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound, the fee of eight annas for every goat, sheep, or hog, and one Rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animals so impounded shall be publicly sold, and the produce of such sale, after paying the said fee, and also the expenses of feeding, shall be paid to the owners of such animal, or, in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to the Police Superannuation Fund.

Limitation of action.

Notice of action.

XXIX. *Clause* 1. All actions and prosecutions against any person, which may be lawfully brought for any thing done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in every such action it shall be expressly alleged in the plaint, that the act complained of was done maliciously and without reasonable or probable cause, and if at the trial of any such action, upon the general issue being pleaded as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be non-suited, and a verdict shall be given for the defendant.

Plea.

Tender of amends.

Costs.

Clause 2. The defendant in any such action may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same, as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

PRINTED AT THE BENGAL MILITARY ORPHAN PRESS.

ACT NO. XLIX OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 26th December 1860.)

An Act relating to Vessels carrying Emigrant Passengers to the British Colonies.

Preamble.

WHEREAS it is expedient to permit the use at sea of the Apparatus known as Normandy's Apparatus for distilling sea water, and in consideration thereof to reduce the proportion of fresh water in tanks or casks which vessels conveying Emigrants are required to carry; It is enacted as follows :—

Reduction of one-third in quantity of fresh water to be carried in Emigrant Vessels, when such Vessels are supplied with Normandy's Apparatus for distilling sea water.

I. The Schedules of Act XV of 1842 *(for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius)*, Act XXI of 1844 *(for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana, and Trinidad)*, and Act XXXI of 1855 *(relating to the Emigration of Native laborers to the British Colonies of St. Lucia and Grenada)*, which require that on board every ship or vessel carrying Emigrant passengers under those Acts, there shall be provided a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks, shall be read subject to the following modification, namely, whenever the Officer who by law shall be required to certify compliance with the said provisions contained in the said Schedules of such Acts shall certify that such ship or vessel is provided with Normandy's Apparatus for distilling sea water, a reduction shall be allowed of one-third in the quantity of water so required to be provided.

II. Act

Construction of Acts.

II. Act XXI of 1843 (*for regulating the Emigration of laborers from India to Mauritius*), Act VIII of 1847 (*for rendering lawful the Emigration of laborers from the Port of Madras in the Presidency of Fort St. George to Mauritius*), and Act IV of 1852 (*to amend the law relating to Emigrant Vessels and the Emigration of laborers*) shall be taken to refer to Act XV of 1842 as herein amended; and Act XII of 1860 (*relating to the Emigration of Native laborers to the British Colony of Saint Vincent*), Act XXXIII of 1860 (*relating to Emigration to the British Colony of Natal*), and Act XLI of 1860 (*relating to the Emigration of Native laborers to the British Colony of Saint Kitts*) shall be taken to refer to Act XXXI of 1855 as herein amended.

ACT No. L of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor-General on the 26th December* 1860.)

An Act to amend the Law relating to Vacations in the Civil Courts within the Presidency of Fort William in Bengal.

Preamble.

WHEREAS it is expedient to amend the Law relating to Vacations observed in the Civil Courts within the Presidency of Fort William in Bengal; It is enacted as follows:—

Laws repealed.

I. Sections II and III of Regulation III. 1798 of the Bengal Code, Section XIII of Regulation VIII. 1805 of the same Code, and Section X of Regulation I. 1806. of the same Code, are hereby repealed.

Sudder Courts to prepare and publish an annual list of Holidays to be observed.

II. Subject to such orders as may from time to time be issued by the Governor-General of India in Council or by the local Government, the Courts of Sudder Dewanny in the Presidency aforesaid shall prepare a list of days to be observed in each year as close Holidays in such Courts and in the Courts respectively subordinate to them, and such list shall be ordinarily published at the commencement of each year in the Official Gazette of the Presidency or place in which each Sudder Court is held.

ACT No. LI OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 26th December 1860.)

An Act further to amend Act XXXVI of 1860.

Preamble.

WHEREAS it is expedient further to amend Act XXXVI of 1860 *(to consolidate and amend the law relating to Stamp Duties)*; It is enacted as follows:—

Repeal of Section I Act XL of 1860.

I. Section I Act XL of 1860 *(to amend Act XXXVI of 1860)* is hereby repealed from the 1st January 1861.

Extension of time for Act XXXVI of 1860 to come into force as regards Foreign Bills of Exchange, &c., payable after date or sight.

II. So much of Act XXXVI of 1860 as imposes duties on Foreign Bills of Exchange drawn out of the British territories in India, shall not come into force until such date as the Governor-General in Council by an order in the Gazette may prescribe. Until such date, all Regulations and Acts or parts thereof which are repealed by Section I of the said Act XXXVI of 1860, shall remain in full force as regards such Bills of Exchange as aforesaid.

Construction.

III. This Act shall be read and construed as part of Act XXXVI of 1860.

ACT No. LII OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 26th December 1860.)

An Act to amend Act XVIII of 1854 (*relating to Railways in India.*)

Preamble.

WHEREAS it is expedient to amend the law relating to offences declared to be punishable under Act XVIII of 1854 *(relating to Railways in India)* on conviction before a Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay; It is enacted as follows:—

Police Magistrate may in certain cases try offences punishable under Sections XXVII and XXVIII Act XVIII of 1854 with imprisonment.

I. If any person is charged before a Police Magistrate of a Presidency Town with committing any offence which under Section XXVII or Section XXVIII of Act XVIII of 1854 is punishable on conviction with imprisonment, and if such Police Magistrate shall deem it probable that, in consequence of the probable departure of any material witness from the local limits of the jurisdiction of such Magistrate, the prosecution of such offender by indictment in the Supreme Court will be ineffectual, such Magistrate may try the offender, and on conviction may award a sentence not exceeding six months imprisonment with or without hard labor.

Extent of jurisdiction.

II. The jurisdiction given to Police Magistrates under the foregoing Section may, be exercised whether the offence shall be charged to have been committed within the local limits of the jurisdiction of such Magistrates or not, and any person hereby made punishable by a Police Magistrate shall be punishable upon summary conviction, but such jurisdiction shall only be exercised if the witnesses necessary for the prosecution of the offender are to be found within the local limits of the jurisdiction of the Police Magistrate before whom the offender is charged.

Construction.

III. This Act shall be taken to be, and shall be read as part of Act XVIII of 1854.

ACT No. LIII of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 26th December 1860.)

An Act to amend Act X of 1859.

Preamble.

WHEREAS it is expedient to amend Act X of 1859 (*to amend the law relating to the recovery of Rent in the Presidency of William in Bengal*); It is enacted as follows:—

Time for commencement of suits of which the cause of action accrued before 1st August 1859.

I. The following proviso shall be read as part of Section XXX Act X of 1859:—"If in any suit to which this Section is applicable, the cause of action shall have accrued before the first day of August 1859, such suit shall be instituted within two years from that day, or, reckoning from the passing of this Act, within a period equal to the period of limitation for the institution of the suit that remained unexpired at the date of the passing of Act X of 1859. Provided that no such period shall extend beyond the 31st July 1861.

Revival of certain suits and appeals dismissed or rejected.

II. Any suit or appeal instituted under Act X of 1859, which may have been dismissed or rejected on the ground that the suit had not been commenced within the period prescribed in Section XXX of the said Act, may be revived if the order of dismissal or rejection shall be contrary to the provisions of the foregoing Section, and a petition for the revival of the same shall be presented within four months of the passing of this Act to the Collector or Court by which such suit or appeal may have been dismissed or rejected. The petition may be written on the Stamp required for petitions presented to such Collector or Court.

ACT No. I of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 12th January 1861.)

An Act for the improvement of the administration of Justice and despatch of business in the Supreme Court of Judicature in Bombay.

Preamble.

WHEREAS it is expedient to effect an improvement in the administration of justice, and despatch of business in the Supreme Court of Judicature in Bombay; It is enacted as follows:—

Single Judges may sit separately for the despatch of certain business.

I. From and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court, for the despatch of the Plea Side or the Equity or other business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court, shall be sitting for the despatch of business of any description in the said Supreme Court: and all proceedings whatever so had by and before such Judge so sitting apart for the purpose aforesaid, shall be good, valid, and effectual in law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court.

Power to frame Rules.

II. The said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions herein contained.

ACT No. II of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 20th January 1861.)

An Act to amend Act VI of 1857 (for the acquisition of land for public purposes).

Preamble.

WHEREAS it is expedient to amend Act VI of 1857 *(for the acquisition of land for public purposes)*: It is enacted as follows:—

Sections repealed.

I. Sections IX and XXXVII of Act VI of 1857 are hereby repealed.

In Presidency Towns and Straits Settlement, Commissioner of Police to enforce surrender of land.

II. Within the Presidency Towns of Calcutta, Madras, and Bombay, and within the Settlement of Prince of Wales' Island, Singapore, and Malacca, if the Collector or other Officer is opposed or impeded in taking possession, under Act VI of 1857, of land required for public purposes, he shall apply to the Commissioner of Police of the Town or Station, who shall enforce the surrender of the land.

Temporary occupation and use of adjacent land.

III. The powers conferred by Act VI of 1857 shall extend, in the case of any Road, Canal, or Railway, to authorize the temporary occupation of any land not more than one hundred yards from the centre line of the Road, Canal, or Railway as marked on the ground, for taking earth or other materials for making or repairing the Road, Canal, or Railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon; and of any land which

may

may be needed for making temporary Roads or Railways from any public road or any navigable river to the intended line of Railway: and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

Compensation for temporary occupation and for permanent damage.

IV. When the local Government shall be satisfied that in any special case the provisions of the last preceding Section of this Act are inadequate for the purpose of taking ballast, or of brick-making, or of quarrying for building stone or lime stone, and that it is expedient that land should be temporarily occupied beyond the limits prescribed in the said last preceding Section, it shall be competent to the local Government to extend the provisions of that Section to any uncultivated land, situated within two miles from the centre line of the Road, Canal, or Railway, provided that the land to be so occupied be not worked or used by the owner or any other person in occupation thereof for the purpose or purposes in this Section mentioned, at the time that a declaration shall be made with respect to the land aforesaid, under the provisions of Section II of Act VI of 1857.

Occupation and use of adjacent land beyond the limits prescribed in preceding Section.

V. In any case in which the local Government shall exercise the power vested in it by the last foregoing Section, it shall be competent to the person or all the persons to whom compensation would be payable, at any time before he or they shall have agreed to the compensation awarded by the Collector or other Officer, or before the Collector or other Officer shall have referred the matter to arbitration, to require the land in question to be permanently taken, and the value thereof to be awarded in the manner prescribed in Sections V and VI of Act VI of 1857. Such person or persons shall make an application in writing to the Collector or other Officer on behalf of Government, and on receipt thereof the Collector shall be bound to take the land on behalf of Government as required, or forego the temporary occupation of the same.

Owner may in certain cases require the land to be permanently occupied.

VI. This Act shall be read with and taken as a part of Act VI of 1857.

Construction.

ACT No. III of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 28th January 1861.)

An Act to provide for the collection of Duty of Customs on Pepper exported by Sea from the British Port of Cochin.

Preamble.

WHEREAS serious affrays have occurred in attempts to smuggle Pepper, the produce of the States of Travancore and Cochin, in consequence of the monopoly which the Governments of those States maintain in that article; and whereas the Rajahs of those States are willing to abandon the said monopoly and to substitute a system of export Duty; and whereas it is necessary, in order to an effectual establishment of such system, that the same rate of Duty as is collected on the export of Pepper from Travancore and Cochin should be collected on behalf of the said States at the British Port of Cochin; It is enacted as follows:—

Duty on Pepper exported by Sea from Cochin.

I. On and after the 1st day of January 1861, in lieu of the Duty prescribed in Act X of 1860, there shall be levied a Duty of fifteen Rupees a candy on all Pepper exported by sea from the Port of Cochin; provided that the said Duty shall not be levied on the re-exportation of any Pepper which may have been imported by sea at the said Port from any British possession.

Appropriation of surplus Duty.

II. At the close of each calendar year, or as soon after as may be convenient, the Collector of Customs shall pay to the Governments of Travancore and Cochin the whole amount of Duty collected under the provisions of the last preceding Section, after deducting all expenses of collection, in such proportions and in such manner as may be ordered by the Governor in Council of Fort Saint George.

ACT No. IV of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 18th February 1861.)

An Act for the levy of Port-dues at Calingapatam and Munsoorcottah within the Presidency of Fort St. George.

Preamble.

WHEREAS it is necessary to fix the amount of Port-dues to be hereafter levied and taken, in accordance with the provisions of Act XXII of 1855, in the Ports of Calingapatam and Munsoorcottah, being Ports within the Presidency of Fort St. George; It is enacted as follows:—

Port-dues on sea-going vessels of 20 tons and upwards, other than Dhonies and country vessels, entering Port.

I. Port-dues at a rate not exceeding the rate of one anna for every ton of burden shall be chargeable in respect of every sea-going vessel of the burden of twenty tons and upwards, other than Dhonies and country vessels employed in the coasting trade, which shall enter either of the said Ports.

Port-dues on Dhonies and country vessels.

Port-dues shall be chargeable in respect of Dhonies and vessels employed in the coasting trade at a rate equal to one half the rate chargeable in respect of other vessels.

Port-dues to be chargeable only once in sixty days in respect of the same vessel.

II. Provided that no dues as aforesaid shall be chargeable at either of the said Ports oftener than once in sixty days in respect of the same vessel.

No Port-due on vessels leaving Port within 48 hours without discharging or taking in cargo.

III. Vessels entering either of the said Ports and leaving such Port within forty-eight hours without discharging or taking in any cargo or passenger therein, shall

Port-due on vessels leaving Port within seven days without discharging or taking in cargo.

shall not be charged with any port-due, and vessels so entering and departing as aforesaid within seven days shall be charged one half only of the Port-dues which would otherwise be chargeable.

Port-due on vessels entering Port in ballast.

IV. Vessels entering either of the said Ports in ballast shall be charged with three-fourths only of the Port-due which would otherwise be chargeable.

Commencement of Act.

V. This Act shall commence and have effect from the first day of March 1861; and until this Act comes into effect, Port-dues may continue to be levied at the said Ports under the rules and at the rates now in force.

Rates of Port-dues to be published.

VI. The local Government shall, on or before the first day of March 1861, pursuant to Section XLII Act XXII of 1855, declare, by Notification to be published in the Fort Saint George Gazette, the rates at which Port-dues shall be levied in the said Ports subject to the provisions of and within the limits prescribed by this Act; and

No other Port-dues to be levied.

from and after the said date, no Port-dues shall be levied at either of the said Ports except under the authority of Act XXII of 1855 and of this Act.

Act to be read as part of Act XXII of 1855.

VII. This Act shall be read with and taken as a part of Act XXII of 1855.

ACT No. V of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 22nd March 1861).

An Act for the Regulation of Police.

Preamble.

WHEREAS it is expedient to re-organize the Police and to make it a more efficient instrument for the prevention and detection of crime; It is enacted as follows:—

Interpretation.

I. The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

"Magistrate of the District."

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief Officer charged with such executive administration is styled.

"Magistrate."

The word "Magistrate" shall include all persons within the General Police District, exercising all or any of the powers of a Magistrate.

"Police."

The word "Police" shall include all persons who shall be enrolled under this Act.

"General Police District."

The words "General Police District" shall embrace any Presidency, Province, or place, or any part of any Presidency, Province, or place in which this Act shall be ordered to take effect.

The

"Property."

The word "Property" shall include any moveable property, money, or valuable security.

Number

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender

Words importing the masculine gender shall include females.

"Person."

The word "person" shall include a Company or Corporation.

"Month."

The word "month" shall mean a calendar month.

"Cattle."

The word "cattle" shall, besid[illegible]ned cattle, include Elephants, Camels, Horses, Asses, [illegible]s, Sheep, Goats, and Swine.

Constitution of the Force.

II. The entire Police establishment under a Local Government shall, for the purposes of this Act, be deemed to be one Police Force, and shall be formally enrolled; and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay, as shall from time to time be ordered by the Local Government, subject to the sanction of the Governor-General of India in Council.

Superintendence in the Local Government.

III. The superintendence of the Police throughout a General Police District shall vest in and, subject to the general control of the Governor-General of India in Council, shall be exercised by the Local Government to which such District is subordinate; and except as authorized under the provisions of this Act, no person, Officer, or Court shall be empowered by the Local Government to appoint, supersede, or control any Police Functionary.

Inspector General of Police, &c.

IV. The administration of the Police throughout a General Police District shall be vested in an Officer to be styled the Inspector General of Police, and in such Deputy Inspectors General, and Assistant Inspectors General, as to the Local Government shall seem fit.

The

The administration of the Police throughout the local jurisdiction of the Magistrate of the District shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the Local Government shall consider necessary. The Inspector General and other Officers abovementioned shall from time to time be appointed by the Local Government, and may be removed by the same authority.

Inspector General to have powers of a Magistrate.

To exercise th[illegible] under the orders of G[illegible]ment.

V. The Inspector General of Police shall have the full powers of a Magistrate throughout the General Police District; but shall exercise those powers subject to such limitation as may from time to time be imposed by the Local Government.

Deputy Inspe[illegible]s General &c. may be [illegible]ted with powers of a M[illegible]

VI. [illegible] Local Government may vest any Deputy Inspector General, Assistant Inspector General, District Superintendent, or Assistant District Superintendent of Police with all or any of [illegible] powers of a Magistrate within such limits as it may deem proper; but such Officers respectively shall exercise the powers with which they shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and, so far as may be necessary, for the performance of the duties assigned to them by this Act.

In what cases those powers shall be exercised.

Inspector General &c. to appoint and dismiss.

VII. The appointment of all Police Officers other than those [illegible] mentioned in Section IV of this Act shall, under such rule[illegible] as the Local Government shall from time to time sa[illegible]ction, rest with the Inspector General, Deputy Inspectors General, Assistant Insp[illegible]ectors General, and District Superintendents of Police, who may, under such rules as aforesaid, at any time dismiss, suspend, or reduce any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same, ~~or fine any Police Officer to any amount not exceeding one month's pay who shall discharge his duty in a careless or negligent manner or who by any act of his own shall render himself unfit for the discharge thereof.~~

Police Officers to receive certificates of Office.

VIII. Every Police Officer, so appointed, shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector General or such other Officer as the Inspector

spector General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed or otherwise removed from employment in the Police Force, and shall be immediately surrendered to the Superior Officer of such person or to some other Officer empowered to receive the same.

Police Officers not to resign without leave or two months' notice.

IX. No Police Officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other Officer authorized to grant such permission, or, without the leave of the District Superintendent, to resign his Office unless he shall have given to his Superior Officer notice in writing, for a period of not less than two months, of his intention to resign.

Police Officers not to engage in other employment.

X. No Police Officer shall engage in any employment Office whatever other than his duties under [illegible] unless expressly permitted to do so in writing by the Inspector General.

Police Superannuation Fund.

XI. There shall be deducted from the pay of every Police Officer of a Class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the Local Government shall direct, not being a greater rate than one anna in the Rupee. The sum so deducted, together with the amount of any saving from the stoppages from the pay of Police Officers during absence from sickness or other cause, and of fines imposed on Police Officers for misconduct and by Magistrates upon drunken persons, or for assaults upon Police Officers, and any money arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, or from any other source which shall be authorized by the Local Government, shall, from time to time, be invested in such manner and in such securities as the Local Government may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid and accumulate, so as to form a Fund to be called "The Police Superannuation Fund," and shall be applied from time to time to the payment of superannuation or retiring allowances or gratuities, under such rules as may be passed by such Local Government. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police

Proviso.

Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

Inspector General to make Rules.

XII. The Inspector General of Police may, from time to time, subject to the approval of the Local Government, frame such orders and rules as he shall deem expedient, relative to the organization, classification, and distribution of the Police Force, the places at which the Members of the Force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements, and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the Police Force as the Inspector General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such Force efficient in the discharge of its duties.

Additional Police Officers employed at the cost of individuals.

XIII. It shall be lawful for the Inspector General of Police, or any Deputy Inspector General, or Assistant Inspector General, or for the District Superintendent, subject to the general direction of the Magistrate of the District, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District, and for such time as shall be deemed proper. Such Force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application. Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General, Deputy Inspector General, or Assistant Inspector General or to the District Superintendent, to require that the Police Officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional Force from the expiration of such notice.

Appointment of additional Force in the neighbourhood of Railway and other works.

XIV. Whenever any Railway, Canal, or other public work, or any manufactory or commercial concern, shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector General that the employment of an additional Police Force in such place is rendered necessary by the behaviour, or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory, or concern, it shall be lawful for the Inspector General, with

 the

the consent of the Local Government, to depute such additional Force to such place, and to employ the same so long as such necessity shall continue, and to make orders from time to time upon the person having the control or custody of the Funds used in carrying on such work, manufactory, or concern, for the payment of the extra Force so rendered necessary, and such person shall thereupon [illegible] payment to be made accordingly.

[illegible] for this section substitute the following [illegible] shall be [illegible] pector General of Po[illegible] sanc-

[illegible] g of additional [illegible] disturbed or dangerous Districts.

lawful for the Local Government, to be notified by proclamation in the Government Gazette, and in such other manner as the Local Government shall direct, to employ any Police Force in excess of the ordinary fixed complement to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state, or in any part of the General Police District in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the part of the country described in the notification shall be charged with the cost of such additional Police Force, and the Magistrate of the District, after enquiry if necessary, shall assess the proportion in which the amount is to be paid by the inhabitants according to his judgment of their respective means.

Payment of money for support of additional Police Force.

XVI. All monies payable under the last three preceding Sections, on account of any additional Police Force employed as therein directed, shall be recoverable under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the District of such Magistrate, or by suit in any competent Court; and the monies paid on this account or so recovered shall be credited to a Fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Local Government shall pass.

Special Police Officers.

XVII. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the Police Force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly, or riot, or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any Police Officer not below the

the rank of Inspector to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such Police Officer may require to act as Special Police Officers for such time and within such limits as he shall deem necessary ; and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.

Powers of Special Police Officers.

XVIII. Every Special Police Officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

Refusal to serve as Special Police Officers.

XIX. If any person being appointed a Special Police Officer as aforesaid shall, without sufficient excuse, neglect, or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees for every such neglect, refusal, or disobedience.

Authority to be exercised by Police Officers.

XX. Police Officers, enrolled under this Act, shall not exercise any authority, except the authority provided for a Police Officer under this Act and any Act which shall hereafter be passed for regulating Criminal Procedure.

Village Police Officers.

XXI. Nothing in this Act shall affect any Hereditary or other Village Police Officer, unless such Officer shall be enrolled as a Police Officer under this Act. When so enrolled, such Officer shall be bound by the provisions of the last preceding Section. No Hereditary or other Village Police Officer shall be enrolled without his consent and the consent of those who have the right of nomination. If any Police Officer appointed under Act XX of 1856 *(to make better provision for the appointment and maintenance of Police Chowkeedars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal)* is employed out of the District for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that District.

Police Officers to be considered always on duty and may be employed in any part of the General Police District.

XXII. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a Police Officer in any part of the General Police District.

XXIII. It

Duties of Police Officers.

XXIII. It shall be the duty of every Police Officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists: and it shall be lawful for every Police Officer, for any of the purposes mentioned in this Section, without a warrant, to enter and inspect any drinking shop, gaming house, or other place of resort of loose and disorderly characters.

Police Officer may lay informations, &c.

XXIV. It shall be lawful for any Police Officer to lay any information before a Magistrate, and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person committing an offence, and to prosecute such person up to final judgment.

Police Officers to take charge of unclaimed property, and to be subject to Magistrate's orders as to the disposal of it.

XXV. It shall be the duty of every Police Officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the District. The Police Officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the District.

Magistrate may detain property and issue proclamation.

XXVI. The Magistrate of the District may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

Confiscation of property if no claimant appear.

XXVII. If no person shall within the period allowed claim such property, it may be sold under the orders of the Magistrate of the District and the proceeds shall be at the disposal of Government.

Persons refusing to deliver up certificate &c. on ceasing to be Police Officers.

XXVIII. Every person, having ceased to be an enrolled Police Officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accoutrements, appointments, and other necessaries which shall have been supplied to him

him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or to both.

Penalties for neglect of duty, &c.

XXIX. Every Police Officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent Authority; or who shall withdraw from the duties of his Office without permission, or without having given previous notice for the period of two months, or who shall engage without authority in any employment other than his Police duty; or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without hard labor, for a period not exceeding three months, or to both.

Regulation of public procession, &c.

XXX. The District Superintendent and Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets, or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass. They may also regulate the use of musi[illegible] in the streets on the occasion of festivals and ceremonies.

[illegible]rder in [illegible]

It shall be the duty of the Police to keep order on the public roads, and in the public streets, thoroughfares, ghauts, and landing places, and at all other places of public resort, [illegible]t obstructions on the occasions of assemblies and processions on [illegible]ads and in the public streets or in the neighbourhood of places of [illegible]ing the time of public worship, and in any case when any road, street, [illegible]re, ghaut, or landing place may be thronged or may be liable to be [illegible].

Section [illegible] W[illegible]

Penalty for disobeying orders issued under last two Sections, &c.

[illegible]XII. Every person opposing, or not obeying the orders issued under the last ~~two~~ preceding Sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred Rupees.

XXXIII. Nothing

Control of the Magistrate of the District under last three Sections.

XXXIII. Nothing in the last ~~three~~ preceding Sections shall be deemed to interfere with the general control of the Magistrate of the District over the matters referred to therein.

Certain duties of Police Officers.

Obstructions and nuisances in roads.

XXXIV. Any person who, on any road or in any street or thoroughfare within the limits of any Town to which this Section shall be specially extended by the Local Government, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger, or damage of the ~~residents and passengers~~, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely:—

Slaughtering cattle, furious riding, &c.

First. Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle.

Cruelty to animals.

Second. Any person who wantonly or cruelly beats, abuses, or tortures any animal.

Obstructing passengers.

Third. Any person who keeps any cattle or conveyanc[illegible] standing longer than is required for loading [illegible] for taking up or setting down passengers, or w[illegible] conveyance in such a manner as to cause inconvenience or danger t[illegible]

Exposing goods for sale on roads.

Fourth. Any person who exposes any [illegible] sale.

Throwing dirt into street.

Fifth. Any person who throws or lays down any dirt, filth, ru[illegible] any stones or building materials; or who constr[illegible] cowshed, stable, or the like, or who causes any offensive matter to run from any house, factory, dung-heap, or the like.

Being found drunk in any thoroughfare.

Sixth. Any person who is found drunk or riotous, or who is incapable of taking care of himself.

Seventh. Any

Seventh. Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.

Indecent exposure of person.

Eighth. Any person who neglects to fence in, or duly to protect any well, tank, or other dangerous place or structure.

Neglect to protect dangerous places.

XXXV. In all cases of convictions under this Act the Officer trying the case shall be limited to his ordinary jurisdiction as to the amount of fine or imprisonment which he may inflict; provided that any charge against a Police Officer above the rank of a Constable under this Act shall be enquired into and determined only by an Officer exercising the powers of a Magistrate.

Jurisdiction.

Proviso.

XXXVI. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

Power to prosecute not affected.

Proviso.

XXXVII. All forfeitures or penalties imposed under the authority of this Act for offences punishable by a Magistrate may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of the jurisdiction of the Magistrate of the District, by warrant under the hand of the Magistrate who made the order.

Levy of forfeiture and penalties by distress.

XXXVIII. In case any such forfeiture or penalty shall not be forthwith paid, the Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Procedure until return is made to warrant of distress.

XXXIX. If

Imprisonment if distress not sufficient.

XXXIX. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Levy of fines from European British subjects.

XL. If the offender be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court

Rewards to Police and informers payable to General Police Fund.

XLI. All sums paid for the service of process by Police Officers, and all rewards, forfeitures, and penalties or shares of rewards, forfeitures, and penalties which by law are payable to informers, shall, when the information is laid by a Police Officer, be paid into the General Police Fund.

Limitation of action.

XLII. All actions and prosecutions against any person, which may be lawfully brought for any thing done or intended to be done under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the District in which the act was committed, one month at least before the commencement of the action. No plaintiff shall recover in any such action

Tender of amends.

if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall

have been paid into Court after such action brought, by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held, shall certify his approbation of the action. Provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

Proviso.

XLIII. When any action or prosecution shall be brought or any proceedings held against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine. Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by any thing contained in this Section.

Plea that act was done under a warrant.

Proviso.

XLIV. It shall be the duty of every Officer in charge of a Police Station to keep a General Diary in such form as shall, from time to time, be prescribed by the Local Government, and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined. The Magistrate of the District shall be at liberty to call for and inspect such Diary.

Police Officers to keep a Diary.

XLV. The Local Government may direct the submission of such Returns by the Inspector General and other Police Officers as to such Local Government shall seem proper, and may prescribe the form in which such Returns shall be made.

Local Government empowered to prescribe the form of Returns.

XLVI. This Act shall not take effect in any Presidency, Province, or place, unless the same shall be extended to such Presidency, Province, or place by the Governor-General of India in Council by an order to be published in the Government Gazette. When the

Scope of Act.

the Act shall have been so extended it shall be carried into effect in such Presidency, Province, or place as the Local Government, by an order to be published in the Official Gazette, shall direct.

Authority of District Superintendent of Police over Village Police.

XLVII. It shall be lawful for the Local Government, in carrying this Act into effect in any part of the territories subject to such Local Government, to declare that any authority which now is or may be exercised by the Magistrate of the District over any Village Watchman or other Village Police Officer for the purposes of Police, shall be exercised, subject to the general control of the Magistrate of the District, by the District Superintendent of Police.

FORM *(See Section VIII.)*

A. B. has been appointed a Member of the Police Force, under Act V. of 1861, and is vested with the powers, functions, and privileges of a Police Officer.

ACT No. VI of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 9th April 1861.)

An Act to alter the time from which the Indian Penal Code shall take effect.

Penal Code to take effect on 1st January 1862.

I. Act XLV of 1860, called the Indian Penal Code, shall not take effect until the first day of January 1862, and shall take effect on and from that day.

Construction.

II. Every part of the said Act, in which the first day of May 1861 is mentioned, shall be read and construed as if the first day of January 1862 had been mentioned therein, instead of the first day of May 1861.

ACT No. VII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 22nd April 1861.)

An Act to empower the Governor General in Council to increase the rate of duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay.

Preamble.

WHEREAS it has been found to be expedient to increase the rate of duty to be levied on Salt manufactured in, or imported either by sea or by land into, the Presidency of Bombay; It is enacted as follows:—

Laws repealed.

I. So much of Sections II and VI of Act XVI of 1844, and of Section I of Act XXXI of 1850, and of the Schedule to Act XXII of 1859, as prescribe the levy of a duty of one Rupee per maund on Salt manufactured in, or imported into, the Bombay Presidency, is repealed.

Rates of Excise and Import Duties on Salt in Bombay.

II. It shall be lawful for the Governor General in Council to order the levy, from and after the passing of this Act, of an Excise duty not exceeding one Rupee and eight annas per maund on Salt manufactured in, and a Customs duty not exceeding one Rupee and eight annas per maund on Salt imported either by sea or by land into, any part of the Bombay Presidency.

III. The

PRICE 6 PIES.

Order issued by the Governor General in Council on 13th April 1861, authorizing increase of duty, ratified.

III. The order issued by the Governor General of India in Council on the 13th day of April 1861, authorizing an increase of duty within the limit aforesaid, shall have the same force and effect as if it had been issued after the passing of this Act.

Indemnity.

IV. Every Collector of Customs or other Officer is hereby indemnified for every thing done on or after the said 13th day of April 1861, in collecting or enforcing the duty imposed under the provisions of this Act, or by virtue of the said order of Government, or in otherwise carrying this Act into effect, and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

ACT No. VIII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 24th April* 1861.)

An Act for the levy of Port-dues in the Port of Amherst.

Preamble.

WHEREAS it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in the Port of Amherst in accordance with the provisions of Act XXII of 1855 *(relating to Ports and Port-dues)*; It is enacted as follows :—

Port-due chargeable on sea-going vessels of ten tons and upwards entering the Port.

I. A Port-due at a rate not exceeding the rate of two annas per every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards which shall enter the said Port.

Rate of Port-due on vessels compelled by stress of weather to enter Port.

II. When any vessel enters the said Port, being driven in by stress of weather, or in consequence of having sustained any damage, or for any other reason, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for the purpose of repair), the Port-due chargeable in respect of such vessel shall be at a rate equal to one half the rate chargeable in respect of other vessels.

No Port-due on vessels compelled by stress of weather to re-enter Port.

III. Provided that, when any vessel having left the said Port is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

PRICE 6 PIES.

No vessel to pay the Port-due oftener than once in sixty days.

IV. No vessel shall be required to pay the Port-due chargeable under this Act oftener than once in sixty days.

Commencement of Act.

V. This Act shall commence and have effect from and after the 1st day of July 1861: and the local Government shall on or before that date, pursuant to Section XLII of the said Act XXII of 1855, declare, by notification to be published in the Calcutta Gazette, the rates at which Port-dues shall be levied in the said Port, subject to the provisions of and within the limits prescribed by this Act; and from and after the said date no Port-due shall be levied at the said Port except under the authority of the said Act XXII of 1855 and of this Act.

Rates of Port-dues to be published.

No Port-due to be levied except under Act.

Act to be read as part of Act XXII of 1855.

VI. This Act shall be read with and taken as a part of the said Act XXII of 1855.

ACT No. IX of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 24th April 1861.)

An Act to amend the law relating to Minors.

Preamble.

WHEREAS it is expedient to amend the Law for hearing suits relative to the custody and guardianship of minors; It is enacted as follows:—

Application.

I. Any relative or friend of a minor who may desire to prefer any claim in respect of the custody or guardianship of such minor may make an application by petition, either in person or by a duly constituted agent, to the principal Civil Court of original jurisdiction in the district by which such application, if preferred in the form of a regular suit, would be cognizable, and shall set forth the grounds of his application in the petition. The Court, if satisfied by an examination of the Petitioner or his agent, if he appear by agent, that there is ground for proceeding, shall give notice of the application to the person named in the petition as having the custody or being in the possession of the person of such minor, as well as to any other person to whom the Court may think it proper that such notice should be given, and shall fix as early a day as may be convenient for the hearing of the petition and the determination of the right to the custody or guardianship of such minor.

Production, and temporary custody and protection, of minor.

II. The Court may direct that the person having the custody or being in possession of the person of such minor shall produce him or her in Court or in any other place appointed by the Court on the day fixed for the hearing of the petition or at any other time, and may make such order for the temporary custody and protection of such minor as may appear proper.

PRICE 6 PIES.

Court, after hearing statements of the parties, &c., to make order regarding custody or guardianship of minor.

III. On the day appointed for the hearing of the petition or as soon after as may be practicable, the Court shall hear the statements of the parties or their agents if they appear by agents, and such evidence as they or their agents may adduce, and thereupon shall proceed to make such order as it shall think fit in respect to the custody or guardianship of such minor and the costs of the case.

Procedure.

IV. In cases instituted under this Act, the Court shall be guided by the procedure prescribed in Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) in so far as the same shall be applicable and material; and any order made by the Court may be enforced as if such order had been made in a regular suit.

Appeal.

V. An appeal shall lie to the Sudder Court from any order made by a lower Court under this Act, under the rules applicable to regular appeals to such Sudder Court, except that the petition of appeal may be written on a stamp paper of the value prescribed for petitions to the Sudder Court.

Orders passed under this Act not liable to be contested in a regular suit.

VI. Any order passed under this Act in respect to the custody or guardianship of a minor, shall not be liable to be contested in a regular suit.

Saving of laws.

VII. Nothing in this Act shall be taken to interfere with the jurisdiction exercised under the Laws in force by any Supreme Court of Judicature or the Courts of Wards; or under Act XXI of 1855 (*for making better provision for the education of male minors and the marriage of male and feniale minors, subject to the superintendence of the Court of Wards in the Presidency of Fort Saint George)*, and Act XL of 1858 *(for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal.)*

Interpretation.

VIII. The term "Sudder Court" in this Act shall denote the Highest Court of Appeal in any part of the British territories in India.

ACT No. X of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 29th April 1861.)

An Act to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.

Preamble.

WHEREAS by Act VIII of 1859 a Code of Procedure is provided for the Courts of Civil Judicature not established by Royal Charter; and whereas it is enacted by Section 387 of the said Act that the Act shall come into operation in the Presidency of Bengal from the 1st day of July 1859, and in the Presidencies of Madras and Bombay from the 1st day of January 1860, or from such earlier day as the Local Government in those Presidencies respectively shall fix and shall publicly notify in the Gazette of the Presidency, three months at least before the date so fixed. And it is also enacted by Section 385 of the said Act, that the Act shall not take effect in any part of the territories not subject to the general Regulations of Bengal, Madras, and Bombay, until the same shall be extended thereto by the Governor-General of India in Council or by the Local Government to which such territory is subordinate, and notified in the Gazette; and whereas it is expedient to repeal in the manner hereinafter provided, certain Regulations and Acts and parts of Regulations and Acts relating to the Procedure of the said Courts; It is enacted as follows :—

Repeal of Laws.

I. In the Presidencies of Bengal, Madras, and Bombay, and in any other part of the British territories in India to which Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)* has been or shall be extended before the 1st May 1861, the several Regulations and Acts and parts of Regulations and Acts set forth in the Schedule hereto, except in so far as they repeal the whole or any part of any other Regulation or Act, shall to the extent expressed in the said Schedule be repealed from the said 1st May 1861, and so far as they relate to any part of the said territories to which the said Act VIII of 1859 has not been extended, then from the time when the said Act shall be extended to such part by a Notification in the Gazette by the Governor General of India in Council, or by the Local Government to which such territory is subordinate.

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PRICE 4 ANNAS AND 3 PIES.

ACT No. X of 1861.

SCHEDULE OF REGULATIONS AND ACTS REPEALED.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Act V of 1836	... ...	The whole Act.
Act XI of 1836	... ...	In so far as the Act is applicable to any suit or other proceeding under Act VIII of 1859.
Act XXIV of 1836	... ...	Section V in so far as the Section is applicable to any suit or other proceeding under Act VIII of 1859.
Act III of 1837.....	... ...	The whole Act.
Act XXV of 1837...	... ...	Sections III and IX.
Act XXXV of 1837	... ...	The whole Act.
Act VII of 1838 ...	... ...	The whole Act.
Act XVII of 1838...	... ...	The whole Act.
Act XXII of 1838..	... ...	The whole Act.
Act XXVII of 1838	... ...	The whole Act.
Act III of 1839.....	... ...	In so far as the Act is applicable to a suit or proceeding under Act VIII of 1859.
Act IX of 1839.....	... ...	The whole Act.
Act XIX of 1840 ...	An Act for amending the procedure in cases of appeals made in *formâ pauperis* within the Presidency of Fort William in Bengal.	The whole Act.
Act VII of 1841 ...	An Act for a more uniform and an improved process for taking the examination of absent witnesses.	The whole Act.
Act XVII of 1841...	An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.	Section II so far as it relates to the Sudder Dewanny Adawlut.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Act XXIX of 1841	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	The whole Act.
Act II of 1843	An Act to regulate the sittings of the Courts of Sudder Dewanny Adawlut.	The whole Act in so far as the Act is applicable to suits or proceedings under Act VIII of 1859.
Act VI of 1843	An Act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.	The whole Act.
Act VII of 1843 ...	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I and II and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.	Sections X, XI, XIV, Clause 1st of Section XVII, Sections XVIII, XIX, and XXV.
Act XII of 1843 ...	An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.	The whole Act.
Act IX of 1844	An Act for authorizing the institution of suits in the Courts of the Principal Sudder Ameens and Sudder Ameens.	The whole Act except Section III.
Act III of 1845	An Act vesting Courts of Appeal with the discretion to require or dispense with security for costs from the Appellant.	The whole Act.
Act VIII of 1845 ...	An Act for amending Section LXXV, and Chapter XVII of Regulation IV. 1827 of the Bombay Code.	The whole Act.
Act XV of 1845 ...	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	Sections I, II, III, IV, and V.
Act XVI of 1845 ...	An Act for regulating the re-admission of Appeals after dismissal under Act XXIX of 1841.	The whole Act.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Act XVII of 1845...	An Act for the better enforcement of the attendance of witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.	The whole Act.
Act IV of 1846 ...	An Act for amending the Law regarding the sale of land in execution of decrees in the territories subject to the Presidency of Fort William in Bengal.	The whole Act.
Act XVII of 1847...	An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of suits.	The whole Act.
Act III of 1850 ...	An Act for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs in the Presidency of Fort St. George.	The whole Act.
Act VIII of 1850 ...	An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of appeal, to confirm the decision without summoning the respondent.	The whole Act.
Act XV of 1850 ...	An Act to extend the operation of Sections X and XII Regulation XXVI. 1814 of the Bengal Code.	The whole Act.
Act XXV of 1850...	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII. 1819, and Act IV of 1846.	The whole Act so far as it relates to forfeited deposits of sales of land or any interest in land in execution of decrees.
Act VII of 1851 ...	An Act to amend the law of the Bombay Presidency relating to execution of decrees.	The whole Act.
Act XXV of 1852...	An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.	The whole Act, except so far as it relates to the execution of decrees made in appeal by Her Majesty in Council.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Act XXVI of 1852...	An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, and to extend the powers of Principal Sudder Ameens in Appeals referred to them.	The whole Act.
Act XXXIII of 1852.	An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	The whole Act, except so far as it relates to the enforcement of judgments by any Court established by Royal Charter, and also except so far as it relates to the enforcement of decrees of Military Courts of Requests.
Act XV of 1853.. ...	An Act for the amendment of Procedure in cases of regular appeal to the Sudder Courts in the Presidency of Fort William in Bengal.	The whole Act.
Act XVI of 1853...	An Act for amending the law of Special Appeals.	The whole Act.
Act XIX of 1853...	An Act to amend the law of evidence in the Civil Courts of the East India Company in the Bengal Presidency.	The whole Act so far as it is applicable to any suit or other proceeding instituted under Act VIII of 1859, except Sections XIX and XXVI of Act XIX of 1853.
Act IX of 1854.....	An Act relating to Appeals in the Civil Courts of the East India Company	In so far as the Act is applicable to any suit or proceeding under Act VIII of 1859.
Act XXXIII of 1854	An Act to extend the provisions of Act No. XII of 1843.	So much of the Act as is applicable to any suit or other proceeding instituted under Act VIII of 1859.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Act II of 1855 ..	An Act for the further improvement of the law of evidence. ..	Sections XXV and XXVI in so far as the Sections are applicable to any suit or proceeding under Act VIII of 1859.
Act IX of 1855 ..	An Act for the amendment of Procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George. ..	The whole Act.
Act X of 1855 ..	An Act to amend the law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay, and to amend the provisions of Section XL Act XIX of 1853. ...	The whole Act, except Sections IX and X.
Act XXXIV of 1855.	An Act to explain and amend Act No. XXXIII of 1852. ..	The whole Act, except so far as it relates to the enforcement of judgment by any Court established by Royal Charter.
Act XII of 1856 ...	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William. ...	Sections VI and VII.
	BENGAL.	
Regulation III. 1793.	A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance, established in the several Zillahs and in the Cities of Patna, Dacca, and Moorshedabad. ...	Sections VII, VIII, IX, X, XI, XII, XIII, XV, XVI, XVIII, XIX, and XX.
Regulation IV. 1793.	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad. ...	Sections I, II, III, IV, V, VI except so much as relates to the administering oaths to parties and witnesses; VII, VIII, X, XI, XII, XIII, XVI, XVIII, XIX, XXI, and XXVI.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation V. 1793..	A Regulation for establishing four Provincial Courts of Appeal for hearing Appeals from decisions passed in the several Zillahs and the three City Courts, and defining their powers and duties, and prescribing rules for receiving and deciding upon Appeals and other causes of which they are declared to have cognizance. ...	The whole Regulation.
Regulation VI. 1793.	A Regulation for extending and defining the powers and duties of the Court of Sudder Dewanny Adawlut, and prescribing rules for receiving and deciding upon Appeals from the decisions of the Provincial Courts of Appeal. ...	Sections IV, V, VI, VII, IX, X, XI, XII, XV, and XVI, and XVII except so much as relates to the administering oaths; XVIII, XIX, XX, XXI, XXII, XXVIII, XXIX, and XXX.
Regulation XVI. 1793.	A Regulation for referring suits to arbitration and submitting certain cases to the decision of the Nazim. ..	The whole Regulation.
Regulation VII. 1795.	A Regulation for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying Civil suits in the first instance at the city of Benares, and at Mirzapore, Ghazeepore, and Jaunpore, in the Province of Benares, and for defining the jurisdiction and powers of those Courts. ...	Sections VII, IX, X, and XI except so far as it extends Section XXI Regulation III. 1793, and Section XII.
Regulation VIII. 1795.	A Regulation for extending to the Province of Benares, with alterations and modifications, Regulation IV. 1793, entitled "A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad;" and for exempting the Rajah of Benares and the Baboos of his family, and certain Bankers, when defendants, from giving the security required from other defendants. ..	Section II in so far as it extends the provisions of Regulation IV. 1793 which are repealed by this Act.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation IX. 1795.	A Regulation for establishing a Provincial Court of Appeal in the Province of Benares for hearing Appeals from decisions passed in the City Court and the Zillah Courts in that Province, and defining its powers and decrees, and prescribing rules for receiving and deciding upon Appeals and other causes of which it is declared to have cognizance.	The whole Regulation.
Regulation X. 1795...	A Regulation for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from decisions of the Provincial Court of Appeal established in the Province of Benares, and for defining the jurisdiction, powers, and authorities of the Sudder Dewanny Adawlut in that Province.	Section II in so far as it extends the provisions of Regulation VI. 1793 which are repealed by this Act, and Section III.
Regulation XV. 1795.	A Regulation for extending to the Province of Benares Regulation XVI. 1793, entitled "A Regulation for referring suits to arbitration, and submitting certain cases to decision of the Nazim, with the exception of Section X, and for referring certain cases to the decision of the Rajah of Benares.	Section II.
Regulation XXXVI. 1795.	A Regulation for repealing Section VII Regulation VIII. 1794, and empowering the Judges of the Zillah and City Courts to hear Appeals from decisions which may be passed by their Registers under that Regulation, and rendering final the decisions of the Judges in all such Appeals where the suit may be for money or personal property; for making final the decrees of the Judges of the Zillah and City Courts, in Appeals from decisions passed by the Native Commissioners appointed under Regulation XL. 1793, for rendering Surburakars, or Managers of joint undivided estates, eligible to the Office of Commissioner for hearing and deciding suits under Regulation XL. 1793, for providing against the loss or miscarriage of the proceedings in trials referred by the Judges of Circuit to the Nizamut Adawlut, or the sentences or orders of that Court on such trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan.	The whole Regulation except Section VI.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation LIV. 1795.	A Regulation for extending to the Province of Benares the rules contained in certain Sections of Regulations VIII. 1794 and XXXVI. 1795, with modifications. ...	The whole Regulation.
Regulation XIII. 1796.	A Regulation for repealing such parts of Regulations V and VI. 1793, as authorize the execution of decrees passed by the Zillah and City Courts in the Provinces of Bengal, Behar, Orissa, and Benares, although appealed from to the Provincial Courts, and of decrees passed by the Provincial Courts appealed from to the Sudder Dewanny Adawlut.	The whole Regulation.
Regulation XII. 1797	A Regulation for the further limitation of Appeals to the Court of Sudder Dewanny Adawlut in suits for personal property; and for altering and explaining part of the existing rules for Appeals to that Court and to the Provincial Courts of Appeal. ...	The whole Regulation.
Regulation XIX. 1797.	A Regulation for empowering the Provincial Courts of Appeal to require the Zillah and City Courts to furnish translations of the proceedings held therein in causes appealed to the Sudder Dewanny Adawlut, and for providing for the translation of the papers and proceedings in such causes when the same cannot be made in due time by the Registers and Assistants to the respective Courts. ...	The whole Regulation.
Regulation II. 1798.	A Regulation authorizing a review of causes decided by the Civil Courts in certain cases; and for explaining parts of Regulations IV, V, and VI. 1793. ...	Sections V, VI, VII, VIII, IX, and X.
Regulation V. 1798.	A Regulation for the further limitation of appeals to the Court of Sudder Dewanny Adawlut, for providing further security during Appeals in certain cases; and for explaining and amending certain parts of the existing Regulations relative to the fee payable to Government on the institution of suits in the Civil Courts, and the fees of the Pleaders in those Courts, also for discontinuing the records of decided causes, required by Sections X and XIV Regulation XVIII. 1793. ...	The whole Regulation.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation III. 1800.	A Regulation for authorizing the Zillah Judges to refer to the Registers of their Courts, Appeals from certain decisions of the Native Commissioners appointed under Regulation XL. 1793. ...	The whole Regulation.
Regulation II. 1801.	A Regulation for the more speedy and effectual administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	Section VI in so far as it relates to suits or proceedings under Act VIII of 1859.
Regulation III. 1802.	A Regulation for defining the security to be required from defendants in Civil causes, and for amending part of the existing rules concerning the trial of Civil suits preferred by paupers. ...	The whole Regulation.
Regulation II. 1803.	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the trial of Civil suits in the first instance, in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company. ...	Sections IV, V, VI, VII, IX, X, XV, XVI, and XX.
Regulation III. 1803.	A Regulation for receiving, trying, and deciding suits or complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company. ...	Sections II, III, IV, V, VI, and VII except so much of it as relates to the administering of oaths to parties & witnesses, IX, X, XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, XXVII, XXVIII, & XXIX.
Regulation IV. 1803.	A Regulation for establishing a Provincial Court of Appeal for hearing Appeals from decisions passed in the several Zillah Courts established in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company; and for defining the powers and duties of the said Court; and for prescribing rules for receiving and deciding upon Appeals and other causes of which the Court is declared to have cognizance.	The whole Regulation.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation V. 1803.	A Regulation for empowering the Sudder Dewanny Adawlut to try Appeals from the decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company, and for extending the Jurisdiction of the Sudder Dewanny Adawlut over the said Provinces, and all the Civil Courts established therein. ...	Sections IV, V, VI, VII, X, XI, XII, XIV, XV, XVI, XVIII, XIX, XX, XXI, XXII, XXVIII, XXIX, and XXXVII.
Regulation XXI. 1803.	A Regulation for referring suits to arbitration, in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company. ...	The whole Regulation.
Regulation L. 1803.	A Regulation for extending with modifications to the Criminal Courts the rules prescribed in Regulation IV. 1793, for procuring the attendance of witnesses, and requiring oaths and solemn declarations from witnesses in the Civil Courts, and for explaining those rules in their application to particular forms of oath by the Courts, Civil and Criminal.	Clause 2 of Section II so far as it relates to the Civil Courts.
Regulation II. 1805.	A Regulation to explain the existing limitation of time for the cognizance of suits in the Civil Courts of Justice, to provide further limitations with respect to certain suits, regular and summary; and to make other provisions relative to the admission and trial of original suits, and of appeals. ..	Sections VIII, IX, X, XI, XII, and XIV.
Regulation XIV. 1805.	A Regulation for the administration of Justice in Civil cases in the Zillah of Cuttack.	Section XI so far as it applies to Civil Courts, except the Proviso.
Regulation XV. 1805.	A Regulation for the appointment of the Mahomedan and Hindoo Law Officers of the Zillah and City Courts to be Commissioners for the trial of referred causes to the amount or value of one hundred Sicca Rupees; and to make further provision for the appointment of head Native Commissioners in the several Zillahs and Cities. ...	The whole Regulation.
Regulation II. 1806.	A Regulation for explaining and amending in certain cases the rules of process to be observed by the Civil Courts of Judicature. ...	The whole Regulation.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation XII. 1806.	A Regulation for annexing the Pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the Zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal government of the ceded and conquered Provinces.	So much of it as extends to the territories therein named the provisions of Regulation VIII. 1805 and the Regulation therein referred to which are repealed by this Act.
Regulation I. 1807.	A Regulation for defining the duties to be performed and powers exercised by single Judges of the Provincial Courts of Appeal in the absence of the other Judges of the Court.	The whole Regulation.
Regulation XIII. 1808.	A Regulation for rendering Civil causes, which are appealable to the Court of Sudder Dewanny Adawlut, cognizable in the first instance by the Provincial Courts, and for authorizing the execution of decrees appealed from in certain cases.	The whole Regulation.
Regulation XIII. 1810.	A Regulation for expediting the trial and decision of causes depending in the Civil Courts and for promoting the amicable adjustment of Civil suits.	The whole Regulation.
Regulation IV. 1812.	A Regulation to enable the Governor-General in Council to institute or defend, through the medium of the Public Officers of Government, actions in which Native Princes, whom it would be improper to require to appear as plaintiffs or defendants in the Courts of Judicature, may be parties.	The whole Regulation.
Regulation VI. 1813.	A Regulation for referring to arbitration suits and contests respecting land, and for amending the rules before established regarding forcible dispossession of land.	The whole Regulation.
Regulation II. 1814.	A Regulation for modifying the rules before established for the trial of suits proposed to be instituted against any of the Public Officers who have been declared amenable for acts connected with the discharge of their official duties to the jurisdiction of the Courts of Civil Judicature.	The whole Regulation.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation XXIII. 1814.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the office of Moonsiffs or Native Commissioners, and of Sudder Ameens or head Commissioners, for modifying and extending their respective powers in the trial and decision of Civil suits, and for authorizing them to discharge certain additional duties under the direction of the Zillah and City Judges.	Clause 3 of Section XIII, Sections XIV, XVII, XVIII, XX, Clause 4 of Section XXV, XXVIII, XXX, Clause 3 of Section XXXI, XXXIII, XXXVI, XXXVIII, XXXIX, XL, XLI, XLV, and XLVI except so far as it enacts that any person dissatisfied with the decision of a Moonsiff shall be at liberty to appeal; and Sections XLVII, L, so much of Section LI as is now in force, Sections LIII, LIV, LXIX, LXXI, LXXII, LXXIII, LXXIV, LXXV, LXXVI, LXXVII, and LXXVIII.
Regulation XXIV. 1814.	A Regulation for abolishing the Office of Assistant Judge of the Zillah and City Courts, and for making certain modifications in the constitution and jurisdiction of those Courts.	The whole Regulation.
Regulation XXV. 1814.	A Regulation for modifying the constitution and jurisdiction of the Sudder Dewanny Adawlut and of the Provincial Courts, for expediting the trial of Civil causes in those Courts, and for defining more fully the powers of single Judges holding the sittings of those Courts or of the Nizamut Adawlut and Courts of Circuit.	Sections I to X inclusive.
Regulation XXVI. 1814.	A Regulation for modifying some of the rules at present in force regarding the admission and trial of special and summary Appeals from decisions passed in regular suits, for limiting and altering some of the existing provisions respecting the pleadings and processes and the mode of executing Decrees and regular Suits and Appeals, and for explaining and making certain additions to the provisions of Regulation I. 1814	The whole Regulation except Section XIV.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation XXVII. 1814.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the Office of Vakeel or Native Pleader in the Courts of Civil Judicature ...	Section XXVII.
Regulation XXVIII. 1814.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers ...	The whole Regulation.
Regulation II. 1815.	A Regulation for extending the provisions of Clause 7th, Section XII, Regulation XXIV. 1814 ...	The whole Regulation.
Regulation XV. 1816.	A Regulation for expediting the trial of Civil suits in which the Native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort William may be parties, and for giving to them certain facilities in the maintenance of their rights, claims, and interests ...	The whole Regulation.
Regulation III. 1817.	A Regulation for diminishing the expense to which parties are liable in original suits or appeals not exceeding sixty-four Rupees in value or amount when tried by the Zillah and City Judges, Registers, or Sudder Ameens, and for modifying and explaining some of the rules contained in Regulation I. 1814, and in Regulation XXIII. 1814 ...	The whole Regulation.
Regulation XIX. 1817.	A Regulation for modifying and amending some of the Regulations in force relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent. ...	So much as has not been already repealed.
Regulation IX. 1819.	A Regulation for amending the existing rules with regard to the admission of special Appeals, for requiring in certain cases from residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah and City Registers, and the Registers of the Provincial Courts, in certain cases. ...	The whole Regulation.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation II. 1821.	A Regulation for increasing the powers of Moonsiffs, for extending in special cases the powers of Sudder Ameens in the trial and decision of Civil suits, and for authorizing the Zillah and City Registers and Sudder Ameens to discharge certain additional duties under the direction of the Zillah and City Judges, for providing an increase in the number of Moonsiffs when necessary, and for authorizing Sudder Ameens to hold their Cutcherries at any place where there may be a Register holding his Court at a distance from the fixed Station of the Judge and Magistrate, also for amending the rules at present in force for the institution of suits connected with the local jurisdiction of such Registers, for rescinding such parts of the existing Regulations as authorize the Registers of Civil Courts to receive a proportion of the institution fees on suits which may be referred to them for decision, for altering, in certain cases, the rule at present in force for the execution of decrees of the Provincial Courts in original suits, and of the decrees of the Court of Sudder Dewanny Adawlut on appeals from such decrees, and for abolishing the Office of Register of the Provincial Courts of Appeal and Circuit.	The whole Regulation.
Regulation III. 1824.	A Regulation to empower Government to extend the Jurisdiction of Registers in certain cases. ...	The whole Regulation.
Regulation XI. 1824.	A Regulation for empowering the Zillah and City Judges and Magistrates to depute the Registers or Assistants for the purpose of making local investigations in certain cases. ...	The whole Regulation so far as it relates to the Civil Courts.
Regulation XIII. 1824.	A Regulation for making further provisions relative to the Office of Sudder Ameen. ...	The whole Regulation.
Regulation I. 1825.	A Regulation for declaring the Judicial Officers competent to superintend the execution of their own process in certain cases, and for extending to Officers intrusted with the execution of a Magistrate's warrant, or other Criminal process, the powers vested in Police Officers by certain provisions in Regulation XX. 1817. ...	So much of Section II as relates to the Civil Courts.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation II. 1825...	A Regulation for amending the rules in force relative to applications for a review of judgment in regular original suits and appeals, and for restricting the admission of special or second appeals by the Provincial Courts and Court of Sudder Dewanny Adawlut ...	The whole Regulation.
Regulation VII. 1825.	A Regulation to explain and amend the rules in force for the execution of decrees, or other Judicial process, by the sale of landed property or otherwise ...	The whole Regulation.
Regulation IV. 1827.	A Regulation for extending, in special cases, the powers of Sudder Ameens in the trial and decision of Civil suits ...	The whole Regulation.
Regulation XIII. 1829.	A Regulation for abolishing the Office of Superintendent and Remembrancer of Legal Affairs ...	Section V.
Regulation XIV. 1829.	A Regulation for extending the rules contained in Section VII Regulation IX. 1819, to the cases of persons resident within a Foreign Territory ...	The whole Regulation.
Regulation VI. 1830.	A Regulation for modifying the provisions of the Regulations now in force relating to the subsistence-allowance to debtors confined in the Civil jails in execution of decrees ...	The whole Regulation.
Regulation V. 1831.	A Regulation for extending the powers of Moonsiffs and Sudder Ameens in the trial of Civil suits, and for authorizing the appointment of Principal Sudder Ameens at the Zillah and City Stations; for modifying the powers and duties of the Zillah, City, and Provincial Courts, in connection with those arrangements; and for enlarging the sphere of selection with regard to the Offices of Moonsiff and Vakeel ...	The proviso to Clause 1st and the proviso to Clause 2nd of Section V, Sections VII, VIII, IX, X, Clause 3rd of Section XVI, proviso of Clause 1 of Section XVIII, and Clause 4 of same Section, Sections XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVIII, and XXIX.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation IX. 1831.	A Regulation for the more speedy and efficient administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut ...	Sections II, VIII, and so much of Section X as extends those Sections to the Sudder Dewanny Adawlut for the North-Western Provinces.
Regulation VII. 1832.	A Regulation for modifying certain of the provisions of Regulation V. 1831, and for providing supplementary rules to that enactment ...	Sections II, III, VI, VII, X, XII, XIII, XIV, XV, XVI, and XVII.
	MADRAS.	
Regulation II. 1802.	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance in the British Territories immediately subject to the Presidency of Fort St. George ...	Sections III, IV, V, VI, VII, VIII, IX, X, XV, XVI, XIX, XX, and XXI.
Regulation III. 1802.	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Adawlut established in the several Zillahs immediately subject to the Presidency of Fort St. George ...	Sections II, III, IV, V, VI, VII (except so much of it as relates to the administering of oaths to parties or witnesses, and except so far as it has been extended by Section II Regulation I of 1824), IX, X, XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, XXVII, XXVIII, and XXIX.
Regulation IV. 1802.	A Regulation for establishing four Provincial Courts of Appeal, for hearing appeals from decisions passed in the several Zillah Courts; and defining their powers and duties and prescribing rules for receiving and deciding upon Appeals and other causes of which they are declared to have cognizance ...	The whole Regulation except such part of Section XX as relates to witnesses or parties guilty of wilful or corrupt perjury.
Regulation V. 1802.	A Regulation for constituting a Sudder Adawlut or Chief Court of Civil Judicature for trying Appeals from the decisions of the Provincial Courts of Appeal.	Sections IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XIX, XX, XXI, XXII, XXVIII, and XXXVIII.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation XXI. 1802.	A Regulation for referring suits to arbitration ...	The whole Regulation.
Regulation XXVI. 1802.	A Regulation for governing the sale and sub-division of Malgoozary Lands in the British Territories subject to the Presidency of Fort St. George ...	In so far as it relates to the execution of decrees of the Civil Courts.
Regulation IV. 1806.	A Regulation for the more speedy and effectual administration of Justice in the Courts of Sudder Adawlut and Foujdary Adawlut ...	Section VII so for as it relates to the Sudder Adawlut.
Regulation VII. 1809.	A Regulation for the occasional appointment of Assistant Judges of the Zillah Courts; for altering and extending the Jurisdiction of the Registers of these Courts; for fixing a new Limitation of Appeals from the Zillah Courts to the Provincial Courts of Appeal, for authorizing the appointment of Head Native Commissioners for the trial of referred causes to the amount or value of one hundred Arcot Rupees, and for amending the existing rules concerning the appointment and powers of Native Commissioners for the trial of suits for personal property not exceeding eighty Arcot Rupees ...	The whole Regulation.
Regulation XII. 1809.	A Regulation for rendering Civil causes which are appealable to the Court of Sudder Adawlut cognizable in the first instance by the Provincial Courts, and for authorizing the execution of decrees appealed from in certain cases ...	The whole Regulation.
Regulation II. 1811.	A Regulation for explaining and amending in certain cases the rules of process to be observed by the Civil Courts of Judicature, and for amending the Rule contained in Clause 4, Section IV. Regulation V. A. D. 1808 ...	The whole Regulation.
Regulation VI. 1816.	A Regulation for reducing into one Regulation the Rules which have been passed regarding the Office of Native Commissioners, for modifying and extending their powers in the trial and decision of Civil suits, and for authorizing them under the designation of District Moonsiffs to discharge certain additional duties ...	Sections XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL, XLII, XLIV, XLV, XLVI, XLVII, XLVIII, Ll, LII, LIII from proviso in Clause 1 to the end, LIV, LVI, LVII, LVIII, LX, LXI, Clause 2 of Section LXII.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation VIII. 1816.	A Regulation for the appointment of the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens or Head Native Commissioners for the trial of causes referred to them by the Judges of the Zillahs in which those Courts are stationed: for confining the Office of Sudder Ameen to the Hindoo Law Officers of the Provincial Courts and the Mahomedan and Hindoo Law Officers of the Zillah Courts, and for modifying and extending the power of Sudder Ameens in the trial and decision of Civil suits ...	Sections VIII, X, and XIV.
Regulation XIV. 1816.	A Regulation for amending and modifying the rules which have been passed regarding the Office of Vakeel or Native Pleader in the Courts of Civil Judicature ...	Sections XVI and XVII.
Regulation XV. 1816.	A Regulation for modifying the jurisdiction of the Zillah and Provincial Courts and the Court of Sudder Adawlut in the trial of original suits and appeals, for amending some of the rules at present in force regarding the admission and trial of Special and Summary Appeals, from decisions passed in regular suits, and for limiting and altering some of the existing provisions respecting the pleadings and processes and the mode of executing decrees in regular Suits and Appeals ...	The whole Regulation, except so much of Clause 2 of Section VIII as gives an appeal from a Sudder Ameen to a Judge.
Regulation VIII. 1817.	A Regulation for expediting the trial of Civil Suits in which the Native Officers and Soldiers attached to Regular Corps on the Military establishment of the Presidency of Fort St. George may be parties, and for giving to them certain facilities in the maintenance and recovery of their rights, claims, and interests ...	The whole Regulation, except Section IX.
Regulation VII. 1818.	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers ...	The whole Regulation.
Regulation III. 1822.	A Regulation for extending the operation of Regulation VII of 1818 ...	The whole Regulation.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation I. 1823.	A Regulation prescribing the course of proceeding to be observed in regard to suits instituted in the Courts of Adawlut against the Public Officers of Government ...	The whole Regulation.
Regulation II. 1823.	A Regulation for authorizing a Special Appeal from the Decrees of Registers and Sudder Ameens, and for modifying the provisions of Section XIV Regulation VIII. 1816 ...	The whole Regulation.
Regulation IV. 1825.	A Regulation for amending and modifying the provisions contained in Regulation VII of 1818 ...	The whole Regulation.
Regulation I. 1827...	A Regulation for the establishment of Auxiliary Zillah Courts in the territories subject to the Presidency of Fort St. George, and for the appointment of Assistant Judges and Sudder Ameens to those Courts ...	Section IX in so far as it relates to suits and proceedings under Act VIII of 1859.
Regulation VII. 1827.	A Regulation for constituting the office of Native Judge ...	Clause 1 of Section V in so far as it relates to suits and proceedings under Act VIII of 1859.
Regulation XI. 1827.	A Regulation for supplying certain omissions in Regulations I and VII. 1827, respecting Special Appeals, and for providing for the Office of Sudder Ameen in Auxiliary Courts seated at the same Station as Provincial Courts ...	The whole Regulation.
Regulation VI. 1828.	A Regulation to amend the rules for computing the periods limited for Appealing, and to provide for the disposal of Pleaders' fees deposited in suits struck off the files of Zillah Courts as being for an amount or value not cognizable by them ...	The whole Regulation.
Regulation IX. 1828.	A Regulation for rescinding such parts of the existing Regulations as prescribe forms for periodical Reports, Calendars, Registers, or other statements, to be furnished by the Civil or Criminal Courts, and require the same to be forwarded ...	Section III in so far as it relates to the Civil Courts.
Reg. VIII. 1831 ..	A Regulation for vesting in single Judges of the Courts of Sudder and Foujdaree Adawlut and in single Judges of the Provincial Courts of Appeal, under certain restrictions, the power now exercised by two or more Judges of those Courts respectively ...	Section IV.

Reference to Regulation or Act.	*Title of Regulation or Act.*	*Extent of repeal.*
Regulation 1. 1832 ...	A Regulation to provide for the punishment of false allegations in petitions to the Judicial Courts and fictitious claims to property attached in execution of decrees ...	The whole Regulation.
	BOMBAY.	
Regulation II. 1827.	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof ...	Section VII, Section IX Clause I, Section X, Section XXI except so much of Clause 1 as prohibits interference of the Civil Courts in Caste questions, Sections XXII and XLI, except Clause 3 of the latter, Sections XLV, XLVI, and LI, except Clause 2 of the last.
Regulation III. 1827.	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records ...	Section III.
Regulation IV. 1827.	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and rules for the trial of the same ...	The whole Regulation, except Sections XXIV, XXVI, XXVII, Clause 4 Section XXXIV, Section LII, and Sections LIV and LV in as far as they qualify the same, Clauses 2 and 3 of Section LXIX, Clause 4 of Section LXXII, and Section C.
Regulation VI. 1827.	A Regulation for admitting persons to sue or defend in suits or appeals in *formâ pauperis* ...	The whole Regulation.
Regulation VII. 1827.	A Regulation to facilitate the amicable adjustment of disputes of a Civil nature by means of arbitrators (a Punchaet).	The whole Regulation.

Printed at the Bengal Military Orphan Press

ACT No. XI of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 1st May 1861.)

An Act to amend Act XIV of 1859 (to provide for the limitation of suits.)

Suits now pending or instituted before 1st January 1862 to be tried as if Act XIV of 1859 had not been passed.

I. ALL suits now pending, or which shall be instituted before the 1st day of January 1862, shall be tried and determined as if Act XIV of 1859 *(to provide for the limitation of suits)* had not been passed.

Sections XIX, XX, XXI, XXII, and XXIII, not to take effect till 1st January 1862.

II. Sections XIX, XX, XXI, XXII, and XXIII, of the said Act, shall not take effect or have any operation before the said 1st day of January 1862.

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ACT No. XII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th May 1861.)

An Act to Amend Act XLII of 1860.

Preamble.

WHEREAS it is expedient to amend Act XLII of 1860 *(for the establishment of Courts of Small Causes beyond the jurisdiction of the Supreme Courts of Judicature established by Royal Charter)*; It is enacted as follows:—

Local Government may invest Small Cause Court Judge with powers of a Principal Sudder Ameen.

I. The Local Government may invest any Judge of a Court of Small Causes constituted under Act XLII of 1860, with the powers of a Principal Sudder Ameen within such local limits as the local Government shall from time to time appoint.

Also with powers of a Magistrate.

II. The Local Government may also invest the Judge of any Court of Small Causes, constituted as aforesaid, with all or any of the powers of a Magistrate within such local limits as the local Government shall from time to time appoint for the trial and decision of cases cognizable by a Magistrate; but no other jurisdiction in Criminal matters shall be exercised by any Court so constituted.

And with power to try suits under Act X of 1859.

III. In the places in which the provisions of Act X of 1859 *(to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal)* are in force, the local Government may empower any Judge of a Court of Small Causes, constituted as aforesaid, to hear and determine, under the rules contained in the said Act X of 1859 applicable to trials before a Collector and subject to the same regular and special appeal, the claims cognizable under that Act arising within

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within the local limits of the jurisdiction of such Court. Any Judge so empowered shall exercise all the powers of a Collector under the said Act X of 1859, except the power of hearing appeals.

Appointment and removal of Clerk of the Court.

IV. An Officer, to be styled the Clerk of the Court, may be appointed to any Court of Small Causes constituted as aforesaid, on such salary as shall be authorized by the Governor General of India in Council. The appointment and removal of such Officer shall rest with the Court, subject to the approval of the local Government.

Duties of Clerk.

V. When a Clerk is appointed to any Court of Small Causes constituted as aforesaid, such Clerk shall, subject to the orders of the Court, issue all Summonses, Warrants, Orders, and Writs of Execution, and keep an account of all proceedings of the Court, and shall take charge of and keep an account of all moneys payable or paid into or out of Court, and shall enter an account of all such moneys in a book belonging to the Court to be kept by such Clerk for that purpose.

Which of several Courts in a District to be the principal Court of the District.

VI. Whenever more Courts than one are constituted in any District under the said Act XLII of 1860, the local Government may appoint one of the said Courts to be the Principal Court of Small Causes in such District.

Judge of principal Court may sit with Judge of any other Court in the District for the trial of certain suits.

VII. The Judge of the Principal Court of Small Causes in any District may sit with the Judge of any other Court of Small Causes, constituted as aforesaid, in the same District, for the trial and determination of any suit cognizable under the said Act XLII of 1860, which the Judge of such other Court may reserve for trial by himself and the Judge of the Principal Court of Small Causes.

Procedure when two Judges sit together for the trial of certain suits.

VIII. When two Judges sit together for the trial of a suit under the last preceding Section, and they concur in the decision or order to be passed, such decision or order shall be the decision or order of the Court, and shall be signed by both Judges. If in the trial of any suit such Judges shall differ on a point of law, or usage having the force of law, or on the construction of a document affecting the merits of the decision, they shall submit a case for the opinion of the Sudder Court on the point of difference between them in the manner prescribed

prescribed in Section XIII of the said Act XLII of 1860; and the rules applicable to a reference to the Sudder Court contained in Sections XIV, XV, XVI, XVII, XVIII, and XIX of the said Act, shall be applicable to the reference made in such suit.

If Judges differ, the Judge of the principal Court to have the casting voice.

IX. If such Judges differ on any matter other than the matters abovementioned, the Judge of the Principal Court of Small Causes shall have the casting voice.

Trial of pending suits.

X. All suits cognizable under the provisions of the said Act XLII of 1860, which shall be pending before any Court within the limits of the jurisdiction of a Court of Small Causes constituted under the said Act, at the time of the constitution of such Court, shall be heard and determined in the same manner as if such Court had not been constituted.

ACT No. XIII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the* 20*th May* 1861.)

An Act to regulate temporarily the procedure of the Police enrolled under Act V of 1861 (*for the regulation of Police.*)

Preamble.

WHEREAS, pending the passing of a new Code of Criminal Procedure, it is expedient to pass a temporary Act for the guidance and direction of the Police Officers who shall be enrolled under the provisions of Act V of 1861 (*for the regulation of Police*) in the discharge of their duties, in so far as the same are not provided for by the said Act; It is enacted as follows :—

Police Officer to execute warrants of arrest.

1. When a Magistrate shall direct a warrant of arrest to a Police Officer, such Officer shall forthwith execute the same so far as it may be within his power to do so.

Another Police Officer whose name is endorsed on the warrant may execute it.

2. A warrant directed to a Police Officer may be executed by any other Police Officer whose name shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

Where a warrant of a Magistrate must be executed.

3. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Warrant executed in another jurisdiction.

4. When any person against whom a warrant is issued by a Magistrate shall escape or go into, or be in any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant

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rant may be executed in such place, and if the person against whom the warrant is issued is arrested in such place the Police Officer executing the warrant shall carry him before the Magistrate of the District or some other Magistrate within whose jurisdiction the arrest was made. If the place of arrest be within twenty miles from the place at which the warrant was issued, the person arrested may be carried in the first instance before the Magistrate who issued the warrant.

Notification of substance of warrant.

5. A Police Officer executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and if required to do so, shall show the warrant to such person.

Warrant how to be executed.

6. In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting an endeavour to arrest.

7. If a person against whom a warrant of arrest is issued shall forcibly resist the endeavour to arrest him, it shall be lawful for the Police Officer executing the warrant to use all such means as may be necessary to effect the arrest.

Penalty for any person refusing or neglecting to assist a Police Officer when applied to.

8. Every person is bound to assist a Police Officer demanding his aid in the prevention of a breach of the peace, or in the suppression of a riot or an affray, or in the taking of any other person whom such Police Officer is authorized to arrest, whether in execution of a warrant, or as hereinafter provided without a warrant; and any person who shall refuse or neglect to assist a Police Officer when so applied to, shall be liable on conviction before a Magistrate to a fine not exceeding fifty Rupees, or to imprisonment not exceeding three months, or to both fine and imprisonment.

Search of house entered into by person against whom warrant has been issued.

9. If there is reason to believe that any person against whom a warrant has been issued has entered into or is within any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer executing the warrant, to allow such Police Officer free ingress thereto, and to afford all reasonable facilities for a search therein.

10. The

10. The Police Officer authorized by a warrant to arrest a person may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of outer door or window.

11. If information be received that a person against whom a warrant of arrest has been issued, is concealed in a zenanah or apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the Police Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person; and if the accused person shall not deliver himself up, the Police Officer authorized to execute the warrant may, if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance, break open such zenanah or apartment and execute the warrant entrusted to him, first giving notice to any woman, as aforesaid, in such zenanah or apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw and affording her every reasonable facility for withdrawing.

Breaking open a zenanah or female apartment.

No unnecessary restraint.

12. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Party arrested to be brought immediately to the authority mentioned in the warrant.

13. The Police Officer executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by the warrant to produce him.

14. A Police Officer shall not offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

No threat, promise, or caution to the party arrested.

Police Officer to serve summons to the best of his ability.

15. When a summons shall be directed by a Magistrate to a Police Officer to be served on a person accused of an offence, such Officer shall proceed forthwith to serve the same so far as it may be within his power to serve it.

16. A summons directed to a Police Officer may be served by any other Police Officer whose name shall be endorsed upon the summons by the Officer to whom the summons is directed.

Summons may be served by any other Police Officer whose name is endorsed thereon.

17. The summons shall be served on the accused person personally, or in case the accused person shall not be found, it may be left for him with some adult male member of his family residing with him.

Summons how to be served.

18. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving Officer shall fix a copy of the summons on some conspicuous part of the house in which the accused person ordinarily resides.

Mode of service if accused cannot be found.

19. When a Magistrate shall direct a search warrant to a Police Officer, such Officer shall forthwith execute the same so far as it may be within his power to do so.

Police Officer to execute search warrants.

20. A search warrant directed to an Officer in charge of a Police Station may, if such Officer is not able to proceed in person, be executed by any Officer subordinate to such Officer. In such case the name of such subordinate Officer shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

A warrant to one Police Officer may be executed by another.

21. When it shall be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name on the warrant, which shall be sufficient authority for the Police Officer charged with the execution of such warrant to execute the same within the said jurisdiction, or the search warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and such Magistrate shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

How to be executed out of jurisdiction of the Magistrate.

22. In

In what cases Police Officer may execute search warrant out of the jurisdiction of the Magistrate issuing it, without obtaining the endorsement of the Magistrate in whose district it is to be executed.

22. In any case in which there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate within the limits of whose jurisdiction the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police Officer charged with the execution of the search warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued, without the endorsement of the Magistrate in whose jurisdiction that place is situate. If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found and who, unless there be good cause to the contrary, shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

Persons in charge of dwelling house, &c. to allow the search.

23. If the house or place to be searched is closed, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer executing the warrant, to allow such Officer free ingress thereto, and to afford all reasonable facilities for a search therein.

Place to be searched may be broken open.

24. A Police Officer authorized by a warrant to search any house or place may break open any outer or inner door or window of the house or place in order to execute such warrant, if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance.

Breaking of a zenanah or female apartment.

25. If the place ordered to be searched is a zenanah or apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the Officer charged with the execution of the warrant shall give notice to such woman, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw, and, after giving such notice, and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such Officer may enter such zenanah or apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

26. The

26. The search of any house or place shall be made in presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but such persons shall not be required to attend the Court of the Magistrate as witnesses unless specially summoned by such Magistrate. The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

27. In any case in which it shall be necessary to cause a female to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching females.

28. A Police Officer in the cases hereinafter mentioned may, without orders from a Magistrate and without a warrant, arrest

Police Officer may arrest without warrant in certain cases.

First.—Any person who, in the sight of such Police Officer, shall commit any of the offences specified in the Schedule annexed to this Act.

Secondly.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

Thirdly.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

Fourthly.—Any person who is a proclaimed offender.

Fifthly.—Any person who is found with stolen property in his possession.

Sixthly.—Any person who shall obstruct a Police Officer while in the execution of his duty.

29. An Officer in charge of a Police Station may, without orders from a Magistrate and without warrant, arrest or cause to be arrested any person found lurking within the limits of such Station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, or any person who is a reputed robber, housebreaker, thief, receiver of stolen property knowing it to be stolen, or who is of notoriously bad livelihood.

Vagabonds.

30. It

Police may interfere to prevent offences.

30. It shall be the duty of every Police Officer to prevent, and he may interpose for the purpose of preventing, the commission of any of the offences specified in the Schedule annexed to this Act.

Information to be communicated.

31. It shall be the duty of a Police Officer who shall receive information of a design to commit any such offence, to communicate such information to the Police Officer to whom he is subordinate, and to any other Officer whom it may concern to prevent or take cognizance of the commission of any such offence.

May arrest to prevent offences.

32. A Police Officer knowing of a design to commit any such offence as aforesaid, may arrest, without orders from a Magistrate and without warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

Injury to public property.

33. A Police Officer may, of his own authority, interpose for the prevention of any injury, attempted to be committed in his view, to any public building, work of art, road, bridge, tank, or water channel.

Person in charge of house entered into by another of whom Police Officer is in search, to allow ingress, &c.

34. If there is reason to believe that any person liable to arrest without a warrant, of whom a Police Officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police Officer, to allow ingress thereto and all reasonable facilities for a search therein.

Procedure if ingress be not obtained.

35. If ingress to such house or place cannot be obtained under the last preceding Section, the Police Officer authorized to make the arrest shall take such precaution as may be necessary to prevent the escape of the person to be arrested, and send immediate information to a Magistrate. If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police Officer may make an entry into such house or place and search therein.

36. Any

36. Any person who is known or suspected to have committed an offence for which a Police Officer is not authorized to arrest without warrant, and who shall refuse on demand of a Police Officer to give his name and residence, or shall give a name or residence which there is reason to believe to be false, may be detained by such Police Officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

Person charged with an offence refusing to give his name and residence.

37. A Police Officer having made an arrest without warrant, shall take or send the person arrested without unnecessary delay before the Magistrate who has jurisdiction in the case, or before the Officer in charge of a Police Station.

Party arrested to be taken immediately before the proper authority.

38. If a person lawfully arrested under the provisions of this Act shall escape or be rescued, it shall be lawful for the Police Officer from whose custody the person so arrested shall have escaped, or have been rescued, to make fresh pursuit, and retake him in any place, either within or without the jurisdiction where he was so in custody, and deal with such person as such Police Officer might have done on an original taking.

Police Officer arresting may retake on escape and deal with the party arrested as on original taking.

39. In order to retake any person, as provided in the last preceding Section, the Police Officer making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

May adopt the same measures as on original taking.

40. An Officer in charge of a Police Station may, without warrant, enter any shop or premises within the limits of such Station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he shall have reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing, which are false. If such Police Officer shall find in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

Inspection of weights and measures used in shops.

41. The

Procedure by Police Officer upon seizure of stolen property found on an offender.

41. The seizure by any Police Officer of property alleged or suspected to have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to the Magistrate of the District, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

Police Officers to make enquiry into certain offences only when directed to do so by Magistrate.

42. No Police Officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence other than the offences specified in the Schedule annexed to this Act But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under any law for the time being in force.

Except when empowered by any special or local law.

43. Nothing in the last preceding Section shall be held to interfere with the exercise of any powers which are invested in a Police Officer by any special or local law, or with the performance of any duty which is imposed upon a Police Officer by any such special or local law.

Upon complaint preferred, Head Officer to proceed in person or depute a Subordinate Officer to make enquiry.

44. Upon complaint or information being preferred to an Officer in charge of a Police Station, of the commission within the limits of such Station of any of the offences specified in the Schedule annexed to this Act, he shall send immediate intimation to the Magistrate having jurisdiction and shall proceed in person or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

Except in cases not of a serious nature where local enquiry not necessary.

45. Provided that when any complaint is made against any person by name, and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police Station to proceed in person or to depute a subordinate Officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.

46. If

46. If on any complaint or information being preferred to an Officer in charge of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from proceeding in the case, and shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

If Head Officer see no sufficient ground for an enquiry.

47. Every complaint or information preferred to an Officer in charge of a Police Station shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such Officer, in such form as shall be prescribed by the local Government.

Complaint, &c. to be in writing.

48. When any Officer in charge of a Police Station requires any Officer subordinate to him to make, without warrant, an arrest which may lawfully be made by such Officer without warrant, he shall deliver to the Police Officer required to make such arrest, an order in writing specifying the person to be arrested, and the offence for which the arrest is to be made.

Procedure when a Police Officer deputes another.

49. It shall be lawful for a Police Officer to pursue with a view to arrest any person accused of any of the offences specified in the Schedule annexed to this Act, into the limits of another Police Officer whether subordinate to the same Magistrate as himself or to the Magistrate of any other District, and whether such place be under the same local Government or not.

Police may pursue offenders into other jurisdictions.

50. Whenever an Officer in charge of a Police Station shall consider that the production of any thing is essential to the conduct of an enquiry into any offence which he is authorized to investigate, it shall be lawful for such Officer to search or cause a search to be made for the same in any house or place within the limits of such Station. In such case the Officer in charge of the Police Station shall, if practicable, conduct the search for such thing in person. If unable to conduct the search in person, and there is no other person competent to make the search present at the time, it shall be lawful for the Officer in charge of the Police Station to require any Officer subordinate to him to make the search, and he shall deliver to such Officer an order in writing, specifying the property for which search is to be made

Issue of search warrant by Head Officer.

made and the house or place to be searched, and it shall thereupon be lawful for such subordinate Officer to search for such property in such house or place. The provisions of this Act relating to search warrants shall be applicable to a search made by or under the direction of an Officer in charge of a Police Station under this Section.

When a Head Officer may require a Head Officer of another division to issue a search warrant.

51. An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which he might cause such search to be made within the limits of his own Station.

Witnesses to be summoned.

52. An Officer in charge of a Police Station may, by an order in writing, require the attendance before himself of any person being within the limits of his Station who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under Section 44, and such person shall be bound to obey such requisition.

Oral examination of witnesses by Police.

53. It shall be lawful for an Officer in charge of a Police Station or other Police Officer making an enquiry, to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case. Nothing in this Section shall preclude such Police Officer from reducing into writing any statement made by the person so examined. Provided that any statement so reduced into writing shall not be signed by the person making it, nor shall it be treated as part of the record, or used as evidence.

No inducement to be offered to accused persons to confess.

54. A Police Officer shall not offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

Police Officer not to record confession.

Proviso.

55. No Police Officer shall record any statement or any admission or confession of guilt which may be made before him by a person accused of any offence. Provided that nothing in this Section shall preclude any Police Officer from reducing

ducing any such statement or admission or confession into writing for his own information or guidance.

Confession made to a Police Officer.

56. No confession or admission of guilt made to a Police Officer shall be used as evidence against a person accused of any offence.

Confession made while the accused is in custody of the Police shall not be used as evidence.

57. No confession or admission of guilt made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be used as evidence against such person.

Police Officer may give in evidence so much of any statement or confession made by the accused as relates distinctly to a fact thereby discovered.

58. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or admission of guilt, or not, as relates distinctly to the fact discovered by it, may be received in evidence.

Enquiry by the Police.

59. If the person arrested appears, from the information obtained, to have committed the offence charged, and the offence is not bailable, the Officer in charge of the Police Station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate. When any subordinate Police Officer has made any enquiry under this Act, he may be required by the Officer in charge of the Police Station to submit a report of such enquiry to him, or he may do so without such instruction, and the Officer in charge of the Police Station shall then proceed as if he had made the enquiry himself.

Accused not to be detained by the Police beyond twenty-four hours without special authority.

60. No Police Officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than under all the circumstances of the case is reasonable, such period in no case to exceed twenty-four hours. If the enquiry has not been completed within twenty-four hours, the Officer in charge of the Police Station shall nevertheless forward the accused to the Magistrate, with a short despatch, stating the offence for which the accused has been arrested, if there are grounds for believing that the accusation is well founded.

61. If

61. If it shall appear to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Head Officer how to proceed in cases of deficient evidence.

62. A Police Officer making an enquiry under this Act shall, day by day, enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry, and shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such Diary which he shall consider it to be important that such Magistrate should know. The Magistrate of the District, or other Officer having jurisdiction in the case, shall be entitled to call for and inspect such diary. In cases where there is no District Superintendent of Police, the Police Officer shall forward day by day a copy of the diary to the Magistrate of the District. Such diary shall not be evidence of the facts stated therein, except against the Police Officer who made it.

Daily record of proceedings.

63. The enquiry shall be completed without unnecessary delay, and as soon as it is completed, the Police Officer making the enquiry shall forward to the Magistrate a report in such form as shall be prescribed by the local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused, and shall also transmit any weapon or article which it may be necessary to produce before the Magistrate. The Police Officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance. If the accused person be detained in custody, the Police Officer shall state the fact and the cause of his detention.

Proceedings of the Head Officer of what to consist.

64. A person accused of any offence not bailable shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him. But a person accused of any other offence shall be admitted to bail if sufficient bail be tendered

Bail.

tendered for his appearance before the Magistrate having jurisdiction in respect of the offence.

Bail not to be excessive. Terms of security.

65. The bail to be taken under the last preceding Section shall not be excessive, and the surety or sureties shall bind himself or themselves under a specific penalty to produce the person accused before the Magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

66. Every prosecutor and witness whose attendance before the Magistrate may be deemed necessary by the Police Officer making the enquiry, shall execute a recognizance for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day, which shall be the day whereon the accused is to appear if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate if he is to be forwarded in custody. The Officer in whose presence the recognizance is executed shall forward it with his report to the Magistrate, and shall deliver to the prosecutor and witnesses a duplicate of the despatch. The prosecutor or witnesses, unaccompanied by any Police Officer, shall be required to deliver in person such duplicate to the Magistrate.

Witnesses not to be subjected to restraint.

67. A Police Officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend or to execute the recognizance directed in the last preceding Section, it shall be competent to the Officer in charge of a Police Station to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody until he shall execute such recognizance, or until the hearing before the Magistrate.

Recusant witnesses may be forwarded in custody.

Police to report all apprehensions.

68. Officers in charge of Police Stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective Stations, whether such persons shall have been admitted to bail or otherwise, and no person who has been apprehended shall be discharged except on bail, or on his own recognizance, or under the special order of a Magistrate.

69. It

69. It shall be the duty of the Officer in charge of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to send intimation to the nearest Magistrate, and to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report shall be signed by such Police Officer and other persons, or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate. When there may be any doubt regarding the cause of death, such Police Officer shall forward the body with a view to its being examined by the Civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without risk of putrefaction on the road.

Head Officer to make immediate enquiry and report on unnatural and sudden deaths.

70. The powers to be exercised by an Officer in charge of a Police Station under this Act shall be exercised in the event of his absence or illness by the Police Officer next in rank present at the Police Station, above the rank of a Peon or Burkundaz.

By whom the powers of the Head Officer may be exercised in his absence or illness.

71. The provisions relating to warrants for the arrest of and summonses to persons accused of offences contained in this Act shall be applicable to all warrants of arrest and summonses directed by a Magistrate to Officers of Police.

Provisions applicable to all warrants of arrest and summonses directed by a Magistrate to Officers of Police.

72. This Act shall apply only to the Police who shall be enrolled under Act V of 1861 (*for the regulation of Police*) and shall continue in force until the 1st January 1862.

Duration of Act.

73. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)

Interpretation.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words

Gender.

Words importing the masculine gender shall include females.

"Magistrate of the District."

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such Officer is called.

"Magistrate."

The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

SCHEDULE REFERRED TO IN SECTIONS 28,30,42,44, AND 49.

Murder.
Thuggee.
Dacoity.
Highway Robbery.
Culpable Homicide.
Wounding.
Burglary.
Theft.
Receiving stolen property knowing it to be stolen.
Unnatural Offences.
Rape.
Arson.
Affray.
Aggravated Assault.
Rioting.
Child Stealing.
Counterfeiting Coin or Government Stamps.
Administering Poisonous Drugs.
Exposure of Infants.
Escape from lawful custody.
Attempt to commit any of the foregoing offences.
Attempt to commi

ACT No. XIV of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 27th May 1861.)

An Act to remove certain tracts of Country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.

Preamble.

WHEREAS it is expedient to remove certain tracts of country in the Rohilcund Division from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Offices of that Division, under the General Regulations and Acts of the Government; It is enacted as follows :—

Certain tracts removed from the jurisdiction and procedure of the ordinary tribunals.

I. The tracts of country described in the Schedule to this Act, and such parts of the Pergunnahs Juspoor and Kashecpoor in the District of Mooradabad as shall be declared and defined by the Lieutenant-Governor of the North-Western Provinces, by an order to be published in the manner prescribed by Section VII of this Act on or before the date fixed by the said Lieutenant-Governor under the said Section VII for this Act to take effect, are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Offices of Revenue constituted by the Regulations of the Bengal Code and by the Acts passed by the Governor-General of India in Council and the Legislative Council of India, as well as from the system of procedure prescribed for the said Courts and Offices by the Regulations and Acts aforesaid; and no Act hereafter passed by the Legislative Council of India relative to the constitution or procedure of the said Courts and Offices shall be deemed to extend to any part of the said tracts, unless the same be specially named therein: provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

Proviso.

II. The

PRICE 9 PIES.

Administration of justice and collection of Revenue vested in Officers subject to the control of the Lieutenant-Governor of the North-Western Provinces.

II. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public Revenue and of all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may for the purpose of tribunals of first instance or of reference and appeal appoint, and the Officer or Officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the Lieutenant-Governor of the North-Western Provinces, and be guided by such instructions as the Lieutenant-Governor of the North-Western Provinces may from time to time issue.

Appeals.

III. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces to direct that an appeal may be heard in any of the matters described in the last preceding Section by the Commissioner of the Rohilcund Division or the Civil and Sessions Judge of any district in the said Division, or by the Sudder Dewanny and Nizamut Adawlut, or by the Board of Revenue, and to declare in what cases the order made by any Officer or Court empowered by the Lieutenant-Governor to dispose of any of the matters aforesaid, shall be final.

Reference to the Sudder Court.

IV. It shall be lawful to the Lieutenant-Governor of the North-Western Provinces to direct any Officer empowered to administer Criminal jurisdiction in or for the tracts aforesaid, to refer the sentence passed by him in any class of Criminal trials for the confirmation of the Sudder Court; and no sentence of death passed by any person competent under the direction of the Lieutenant-Governor to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court. In disposing of any trial referred for disposal under this Section, the Sudder Court shall not call for the Futwah of its Law Officer, and shall pass such order as it may deem just and proper, so as that it shall not convict any person acquitted by the referring Officer, or enhance any sentence pronounced by him.

Place of imprisonment or transportation.

V. Any person liable to be imprisoned in any Civil or Criminal Jail or to be transported beyond sea under any order or sentence passed by any Officer or Court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail or transported to any place which the Lieutenant-Governor of the North-Western Provinces may direct.

VI. When

Questions of disputed boundary to be determined by Commissioner of Rohilcund.

VI. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of Rohilcund to consider and determine on which side of the described boundary the place aforesaid may lie, and the order made by the Commissioner shall be final.

Commencement of Act.

VII. This Act shall take effect from such date as shall be fixed by the Lieutenant-Governor of the North-Western Provinces, and notification thereof shall be published in the Office of the Commissioner of Revenue and the Courts of the Civil and Sessions Judges and of the Magistrates of the Rohilcund Division, and in such other manner as the Lieutenant-Governor may direct.

SCHEDULE.

The tracts referred to in the foregoing Act are as follows :—

The Pergunnah of Bazpoor in the District of Mooradabad :

The Pergunnahs of Roodurpoor and Guddurpoor in the District of Bareilly :

The Pergunnahs of Kilpooree, Nanuk-Muttha, and Bilhéree in the District of Peeleebheet.

ACT No. XV of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 28th May 1861.*)*

An Act for the levy of Port-dues in the Ports of the Concan.

Preamble.

WHEREAS it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in accordance with the provisions of Act XXII of 1855 *(relating to Ports and Port-dues)* in the Ports named in the Schedules to this Act, being Ports in the Concan Districts of the Presidency of Bombay ; It is enacted as follows :—

Division of Ports into groups.

I. The Ports in the Concan shall be divided for the purposes of this Act into three groups, namely, Northern, Central, and Southern. The Northern group shall comprise the Ports named in Schedule A ; the Central group shall comprise the Ports named in Schedule B ; and the Southern group shall comprise the Ports named in Schedule C.

Port-dues on sea-going vessels of ten tons and upwards entering Port.

II. Port-dues, at a rate not exceeding the rate of two annas for every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards (except Fishing Boats) which shall enter any of the said Ports.

Rate of Port-due on vessels compelled by stress of weather to enter Port.

III. When any vessel enters any of the said Ports, being driven in by stress of weather, or in consequence of having sustained any damage, or for any other reason, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for the purpose of repair,) the Port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels.

IV. Provided

PRICE 9 PIES.

IV. Provided that, when any vessel having left any of the said Ports is compelled to re-enter such Port, or to enter any other of the said Ports named in the same Schedule, by stress of weather, or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

No Port-due on vessels compelled by stress of weather to put back.

V. No vessel shall be required to pay at the same Port any Port-due chargeable under this Act, oftener than once in the same calendar month, or oftener than once in thirty days.

No vessel to pay Port-due at same Port oftener than once a month.

VI. For the purposes of Section XLIV of the said Act XXII of 1855, the several Ports comprised in each of the Schedules A, B, and C, to this Act, shall be regarded respectively as one Port, and the sums received on account of Port-dues at the several Ports named in each of the said Schedules shall form separate Funds, which shall be termed respectively, the Northern Concan Ports Fund, the Central Concan Ports Fund, and the Southern Concan Ports Fund.

Ports comprised in Schedules A, B, and C, respectively, to be regarded as one Port, and the sums received at such Ports on account of Port-dues to form separate Funds.

VII. All sums received on account of Port-dues at any of the Ports comprised in each of the groups specified above, shall be available for the payment of all such expenses as are described in Section XLIV of the said Act XXII of 1855, incurred on account of any of the Ports in the same group.

Application of Port-dues.

VIII. This Act shall commence and have effect from and after the first day of July 1861.

Commencement of Act.

IX. The local Government shall, on or before the said 1st day of July 1861, pursuant to Section XLII of the said Act XXII of 1855, declare, by Notification to be published in the Bombay Government Gazette, the rate at which Port-dues shall be levied in the said Ports subject to the provisions of and within the limits prescribed by this Act; and from and after the said date, no Port-due shall be levied at any of the said Ports, except under the authority of the said Act XXII of 1855 and of this Act.

Rates of Port-dues to be published.

No other Port-due to be levied.

X. This

Act to be read as part of Act XXII of 1855

X. This Act shall be read with and taken as a part of Act XXII of 1855.

SCHEDULE A.

NORTHERN GROUP.

1. Calaee.
2. Murrolee.
3. Oomergaum.
4. Danoo River.
5. Tarapoor.
6. Satpattee.
7. Mahim.
8. Kelvey.
9. Dantewra River.
10. Bassein River.

SCHEDULE B.

CENTRAL GROUP.

1. Ootun.
2. Munnoree.
3. Versoah.
4. Bandora.
5. Tanna River.
6. Caranja River.
7. Panwell River.
8. Thull.
9. Alibag.
10. Mandvay.
11. Revdunda.
12. Thull Kharee.
13. Bankote River.

ACT No. XV of 1861.

SCHEDULE C.

Southern Group.

1. Kelsee.
2. Hurnee.
3. Anjunwell River.
4. Boria.
5. Jyghur River.
6. Rutnagherry.
7. Poorunghur.
8. Eshwuntghur River.
9. Viziadroog River.
10. Dewghur.
11. Achray.
12. Malwan.
13. Newtee.
14. Vingorla.
15. Rairee.

ACT No. XVI of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th July 1861.)

An Act for licensing and regulating Stage Carriages.

Preamble.

WHEREAS it is expedient to license and to regulate Stage Carriages in British India; It is enacted as follows :—

Definition of Stage Carriage.

I. Every carriage drawn by one or more horses which shall ordinarily be used for the purpose of conveying passengers for hire to or from any place in British India, shall without regard to the form or construction of such carriage be deemed to be a Stage Carriage within the meaning of this Act. Provided that this Act shall not apply to carriages not ordinarily used for journies of a greater distance than twenty miles.

Grant of licenses.

II. No carriage shall be used as a Stage Carriage unless licensed by a Magistrate or by the Chief Commissioner of Police of a Presidency Town.

Refusal of license.

III. The Magistrate or Chief Commissioner of Police to whom the application for a license of a Stage Carriage is made may refuse to license the same, if he shall be of opinion that such Stage Carriage is unserviceable or is unsafe or unfit for public accommodation or use. If a Magistrate or Chief Commissioner of Police as aforesaid shall grant a license, the license shall set forth the number thereof, the name and residence of the proprietor of the Stage Carriage, the place at which his head office is held, the largest number of passengers and the greatest weight of luggage to be carried in or on such carriage, the number of horses by which such carriage is to be drawn, and the name of the place at which such carriage is licensed.

Particulars of license.

IV. For

PRICE 1 ANNA AND 3 PIES.

IV. For every such license there shall be paid by the proprietor of the Stage Carriage the sum of five Rupees, and such license shall be in force for one year from the date thereof. When a licensed Stage Carriage is transferred to a new proprietor within the year, the name of such new proprietor shall, on application to that effect, be substituted in the license for the name of the former proprietor without any further payment for that year, and every person who appears by the license to be the proprietor, shall be deemed to be such proprietor for all the purposes of this Act.

Charge for and duration of license.

V. On any Stage Carriage being licensed, the proprietor thereof shall cause the number of the license and all the other particulars of the license to be distinctly painted in the English language and character upon a conspicuous part of such Stage Carriage.

Number of license, &c., to be painted on conspicuous part of carriage.

VI. The proprietor of any licensed Stage Carriage who shall let such Stage Carriage for hire without the particulars specified in Section III being painted on such carriage in the manner directed in the last preceding Section, shall be liable to a fine not exceeding one hundred Rupees.

Penalty for letting carriage for hire without having the number, &c., painted on it.

VII. Whoever lets for hire any Stage Carriage without the same being licensed as provided by this Act, shall be liable, on a first conviction, to a fine not exceeding one hundred Rupees, and on any subsequent conviction to a fine which may extend to five hundred Rupees.

Penalty for letting for hire unlicensed carriage.

VIII. Any proprietor, or agent of a proprietor, or any driver of a licensed Stage Carriage, who knowingly permits such carriage to be drawn by a less number of horses, or who knowingly permits a larger number of passengers, or a greater weight of luggage to be carried by such Stage Carriage than shall be provided by the license, shall be liable on a first conviction to a fine not exceeding one hundred Rupees, and on any subsequent conviction to a fine which may extend to five hundred Rupees. In every case where such Stage Carriage shall be proved to have been drawn by a less number of horses, or to have carried a larger number of passengers or a greater

Penalty for carriage drawn by less number of animals or carrying a greater number of passengers, &c., than is provided by the license.

greater weight of luggage than shall be provided by the license, the proprietor of such carriage shall be held to have knowingly permitted such offence, unless he shall prove that the offence was not committed with his connivance, and that he had taken every reasonable precaution and had made reasonable provision to prevent the commission of the offence.

Penalty for ill-treating animals.

IX. Any person who shall cruelly beat, ill-treat, over-drive, abuse, torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any horse employed in drawing or harnessed to any Stage Carriage, or who shall harness to or drive in any Stage Carriage any horse which from sickness, age, wounds, or other cause is unfit to be driven in such Stage Carriage, shall for every such offence be liable to a fine not exceeding one hundred Rupees.

Revocation of license.

X. Any Magistrate or Chief Commissioner of Police within the local limits of whose jurisdiction any Stage Carriage shall ply, or who has granted the license of any Stage Carriage, may cancel the license of such Stage Carriage if it shall appear to him that such Stage Carriage or any horse or any harness used with such carriage is unserviceable or unsafe or otherwise unfit for public accommodation or use.

Penalty for not conforming to provisions of Section V.

XI. In any Station or place in which a Magistrate shall reside and be, any Police Officer may, in any place within two miles of the Office of such Magistrate, seize any Stage Carriage with the horse harnessed thereto, if the full particulars of the license of such Stage Carriage be not distinctly painted on such Stage Carriage in the manner provided in Section V of this Act. Such carriage with the horse harnessed thereto shall be taken without delay by such Police Officer before such Magistrate who shall forthwith proceed to hear and determine the complaint of such Police Officer ; and if thereupon any fine is imposed by such Magistrate and such fine is paid, such Stage Carriage and horse shall be immediately released ; and if such fine be not paid, such Stage Carriage and horse may be detained for twenty days as security for the payment thereof ; and if the fine be not sooner paid, they may be sold and the proceeds applied (so far as they extend) to the payment of the said fine, and all costs and charges incurred on account of the detention and sale ; and the surplus (if any), when claimed, shall be paid to the proprietor of such carriage and horse ; and if such surplus be

be not claimed within a further period of two months from such sale, the same shall be forfeited to the State. If the proceeds of such sale do not fully pay the fine and costs and charges aforesaid, the balance may be recovered as hereinafter provided.

Penalty for misconduct on part of drivers.

XII. If any driver of any Stage Carriage, or any other person having the care thereof, shall through intoxication, neglect, or by wanton or furious driving, or by any other misconduct, endanger the safety of any passenger or other person, or shall injure or endanger the property of the proprietor of such Stage Carriage or of any other person, every such person so offending shall be liable to a fine not exceeding one hundred Rupees.

Penalty in certain cases recoverable from proprietor.

XIII. Whenever the driver of any Stage Carriage or the owner of any horse employed in drawing any Stage Carriage shall have committed any offence against this Act for the commission whereof any penalty is by this Act imposed, other than an offence specified in Section VIII, and such driver or owner shall not be known, or being known cannot be found, or if the penalty cannot be recovered from such driver or owner, the proprietor of such carriage shall be liable to every such penalty as if he had been the driver of such carriage or owner of such horse at the time when such offence was committed. Provided that if any such proprietor shall make out, to the satisfaction of the Magistrate before whom any complaint or information shall be heard, by sufficient evidence, that the offence was committed by such driver or owner without the privity or knowledge of such proprietor, and that no profit, advantage, or benefit, either directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he has used his endeavour to find out such driver or owner, and has done all that was in his power to recover the amount of the penalty from him, the Magistrate may discharge the proprietor from such penalty, and shall levy the same upon such driver or owner when found.

Proviso.

Issue of summons.

XIV. Whenever any charge is made before any Magistrate of any offence under this Act on which it is necessary to issue a summons to the proprietor of a Stage Carriage, the Magistrate shall issue such summons directed to such proprietor or his nearest agent, and may transmit

transmit such summons by letter post which shall be deemed to be good service thereof. The letter shall be registered at the Post Office, and the cost of the registration shall be borne by the Government in the first instance, but may be charged as costs in the case. The summons shall allow a reasonable time, in reference to the distance to which the summons is sent, for the appearance of such proprietor or his agent as aforesaid.

Adjudication of penalties.

XV. All penalties incurred under this Act shall be adjudged by a Magistrate or Chief Commissioner of Police as aforesaid, and all orders made under this Act by such Magistrate or Chief Commissioner of Police shall be final.

Recovery of penalties, &c.

XVI. All penalties imposed under this Act, or any balance of any fine, costs, or charges as mentioned in Section XI of this Act, may in case of non-payment or non-recovery thereof be levied by distress and sale of the moveable property of the offender by warrant under the hand of the Magistrate who imposed the same.

Offender may be apprehended and detained in custody until return of warrant of distress.

XVII. In case any such penalties shall not be forthwith paid, such Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Imprisonment of offender if distress not sufficient.

XVIII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Magistrate by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such penalty could be levied if warrant of distress were issued, such Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed

one

one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Recovery of penalty and costs from European British subjects.

XIX. If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of penalty and the costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

Jurisdiction.

XX. On complaint made before any Magistrate of any offence committed under this Act, it shall not be necessary to prove that the offence was committed within the local limits of such Magistrate or other Officer.

Interpretation. "Magistrate."

XXI. The term "Magistrate" in this Act shall include all Magistrates and other persons exercising the powers of a Magistrate.

"British India."

The term "British India" in this Act shall denote the Territories that are or shall be vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

"Horse."

The term "horse" shall include ponies and mules.

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include the feminine.

Commencement of Act.

XXII. Except in the Presidency of Fort St. George and the Settlement of Prince of Wales' Island, Singapore, and Malacca, this Act shall have effect on and after the 1st day of September 1861. In the said Presidency and Settlement respectively the Act shall have effect from the day when it shall be extended thereto by the local Government by an order published in the Government Gazette.

ACT No. XVII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th July 1861.*)*

An Act to amend Act XIV of 1843 *(for regulating the Customs Duties in the North-Western Provinces.)*

Preamble.

WHEREAS it is expedient to amend the law relating to Customs Duties, so far as relates to the Export Duty on Sugar or other saccharine produce in the North-Western Provinces: It is enacted as follows:—

Rate of Duty to be charged on the exportation of Sugar from 9th March 1861.

I. From and after the ninth day of March 1861, in lieu of the Duty on Sugar and other saccharine produce, exported from the North-Western Provinces, authorized to be charged under Act XIV of 1843 *(for regulating the Customs Duties in the North-Western Provinces)*, there shall be collected and paid the following Duty, that is to say—

On the export of Misree, Kund, Cheenee, and all clayed and refined Sugar, one Rupee per Maund.

On the export of Goor, Râb, Sheerah, and all unclayed and unrefined saccharine produce, six Annas per Maund.

New Duty to be collected under Act XIV of 1843.

II. The said new Duty shall be collected and paid under the provisions of the said Act XIV of 1843, in the same manner as if the said new Duty had been imposed thereby.

Indemnity to Collectors, &c.

III. Every Collector of Customs or other Officer is hereby indemnified for any thing done on or after the said ninth day of March 1861, in collecting or enforcing the amount or rate of Duty imposed by this Act, and no action or other proceeding shall be maintained against any Collector or other Officer in respect of any thing so done.

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ACT No. XVIII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 16th July 1861.)

An Act for imposing a Duty on Arts, Trades, and Dealings.

Preamble.

WHEREAS it is expedient to impose a Duty on Arts, Trades, and Dealings; It is enacted as follows :—

Regulations repealed.

I. Section V Regulation I. 1816 of the Madras Code *(for declaring the contributions hitherto paid in the Province of Tanjore on account of the Cavelly Police appropriable to the support of the new Police established or to be established in that Province, for regulating the collection and assessment of those contributions, and for extending and modifying the house tax hitherto collected for Police purposes in the Province aforesaid)*, and so much of Clause 1 of Section VI of the said Regulation as requires the Collector of Land Revenue to levy and receive the house tax, Regulation IV. 1818 of the same Code *(prescribing Rules for the assessment and collection of the Veesabuddy or Tax upon the profits of trade in the Provinces known by the appellation of the Ceded Districts or the Zillahs of Bellary and Cuddapah)*, and Regulation V. 1832 of the same Code *(declaratory of the liability of persons exercising certain arts, trades, and professions to the Mohturfa Tax)*, shall be repealed from the time at which this Act shall come into operation, except as to any tax which may then remain due and payable under the said Regulations.

License to carry on art, trade, or dealing.

II. From and after the 1st day of August 1861, every person or partnership in India who shall exercise any lawful art, trade, or dealing, for gain or profit, shall be required to pay the Duty specified in Schedule A of this Act.

III. The

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Collector to determine the class under which a person shall be assessed.

III. The Collector or other person specially authorized by the local Government in that behalf shall, subject to the provisions of the Schedule of this Act, determine under what class every person by whom any Duty is payable under this Act shall be assessed, and shall have authority to exempt from payment of any Duty hereby imposed any person of whose inability to pay the same he may be satisfied, and the person so exempted shall not be liable to pay any Duty. Such person shall receive a certificate of such exemption.

Power of Collector to exempt.

List to be prepared and published.

IV. On or before the 1st day of August in every year, the Collector, or other person as aforesaid, shall make out a list of the persons liable to pay Duty under this Act, which list shall state the art, trade, or dealing of each of the persons therein named, the class under which he shall be assessed, and the duty payable by him, and extracts therefrom shall be published in each Thannah or other convenient Division, with the names of such persons as shall reside therein, and such list shall be filed in the Office of such Collector or other person as aforesaid.

Duty how to be collected.

V. The Duty payable under this Act shall be collected by the Collector of Land Revenue, or by such other person, not being an Officer of Police, as he shall appoint, subject to such general rules as shall be laid down by the local Government for his guidance in that respect.

Penalty for non-payment.

VI. Every person who shall refuse to pay on demand made upon him or left at his usual place of business or residence any Duty which shall then be payable under this Act, shall be liable to pay a penalty not exceeding three times the amount of the Duty payable, which shall be recoverable in the same manner as arrears of Duty under Act XXXII of 1860 *(for imposing Duties on Profits arising from Property, Professions, Trades, and Offices.)*

Exemption of persons assessed for Income Tax.

VII. No person assessed for the payment of any Duty under the said Act XXXII of 1860 shall be liable to pay any Duty under this Act.

Account to be kept by Collecting Officer.

VIII. Every person who shall collect any Duty under this Act shall make out an account, specifying the amounts received by him, the names of the persons from whom the same shall be received,

received, and the art, trade, or dealing exercised by such persons, and shall annually or at such other times as shall be ordered by the Collector, or by the local Government, make a return thereof to the Collector.

Allowance to Collecting Officer.

IX. The Government may authorize the Collector to allow to any person employed in collecting the Duty under this Act and for keeping the account mentioned in the foregoing Section, such commission, not exceeding three per cent. on the amount collected, as the Collector may think fit.

Part XIX of Act XXXII of 1860 extended to this Act.

X. All the provisions contained in Part XIX of the said Act XXXII of 1860, so far as they are applicable, shall have the same effect as if the same had been repeated and enacted in this Act.

Adjudication of offences and recovery of penalties.

XI. All offences under this Act made punishable by any penalty may be prosecuted in the same manner as offences punishable by fines may be prosecuted under the said Act XXXII of 1860.

Act not to apply to cultivators of land.

XII. Nothing in this Act shall be deemed to apply to any cultivator of land, as such, in respect of the cultivation or sale of the produce cultivated by him and not keeping any shop or store for the sale of such produce.

Saving of other Laws relating to licenses.

XIII. Nothing in this Act shall be construed to alter or affect the provisions of any other Law or Regulation relating to licenses.

Governor-General in Council empowered to make rules.

XIV. It shall be lawful for the Governor-General of India in Council from time to time to make rules for the guidance of Officers in matters connected with the enforcement of this Act provided such rules are not inconsistent with any of the provisions herein contained.

Governor-General in Council empowered to postpone operation of Act in any part of India.

XV. It shall be lawful for the Governor-General of India in Council to postpone, for such period as he shall deem necessary, the time for this Act to come into operation in any part of India.

XVI. The

XVI. The word "India" in this Act shall mean the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

Interpretation.

XVII. No part of this Act, except Section I, shall continue in force beyond the 31st of July 1866. Provided that this Act and the said Duty shall not then cease with respect to any assessment which ought to have been made before the said last-mentioned day, but which shall not then have been made and completed; nor with respect to the said Duty which shall have been assessed and shall then remain unpaid; nor with respect to any penalty before then incurred; nor with respect to any offence of which any person shall have been guilty before that day; nor shall the said Duty cease in any case when the assessments for the preceding year shall not have been completed before the said 31st day of July 1866. And all the powers and provisions of this Act shall continue in force for making and completing all such assessments as aforesaid, and for levying and recovering the Duty so assessed or to be assessed, and all arrears of such Duty and for the suing for, adjudging, and recovering any penalty which shall have been or may be incurred, and for the punishment of any offence of which any person shall have been guilty before that day.

Limitation of Act.

SCHEDULE A.

Every person who shall exercise any art, trade, or dealing for gain or profit for any period between the 1st August in one year and the 1st August in the succeeding year, shall pay for such period—

If belonging to Class	I	.....	3 Rs.
" " "	II	.....	2 "
" " "	III	.....	1 Re.

ACT No. XIX of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 16th July 1861.)

An Act to provide for a Government Paper Currency.

Preamble.

WHEREAS it is expedient to provide for the issue by the Government of India of Promissory Notes payable to bearer on demand, and to regulate the mode of issuing and securing payment of the same ; and whereas due notice has been given by the Governor-General of India in Council to the Banks of Bengal, Bombay, and Madras respectively, as required by Acts VI of 1839, III of 1840, and IX of 1843, that the said Banks are to be modified by the power of the said Banks to issue Promissory Notes payable on demand ceasing from and after the day hereinafter provided; It is enacted as follows :—

Laws repealed.

I. Section XXXI of the said Act VI of 1839, Section XXXI of the said Act III of 1840, and Section XXXIII of the said Act IX of 1843, so far as the said Sections authorize the Banks of Bengal, Bombay, and Madras respectively to issue Promissory Notes payable on demand, are repealed from and after the first day of March 1862.

No Body Corporate or person to issue Notes, &c., payable to bearer on demand.

II. After the passing of this Act, no Body Corporate, person or persons whatsoever, in British India, (except the Banks of Bengal, Madras, and Bombay, up to the said 1st day of March 1862, and except as hereinafter provided,) shall draw, accept, make, or issue any Bill of Exchange or Promissory Note, or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the Bills or Notes payable to bearer on demand of any such Body Corporate, or of any such person or persons. Provided that Cheques or Drafts payable to bearer on demand or otherwise may be drawn on Bankers, Shroffs, or Agents by the

Exception in favor of Cheques.

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by the customers or constituents of such Bankers, Shroffs, or Agents, in respect of deposits of money in the hands of such Bankers, Shroffs, or Agents, and held by them at the credit and disposal of the persons drawing such Cheques or Drafts.

Department of Issue to be established.

III. There shall be established by the Governor-General of India in Council a department of the Public Service, to be called the Department of Issue, either in connection with the Mints or otherwise, and from and after the passing of this Act there may be issued from the said Department, as hereinafter provided, Promissory Notes of the Government of India payable to bearer on demand, for such sums, not being less than ten Rupees, as the Governor-General of India in Council shall from time to time direct.

Head Commissioner and Commissioners to be appointed.

IV. The Governor-General in Council, after the passing of this Act, shall appoint some person, who may be the Master of the Mint at Calcutta, to be called the Head Commissioner of the Department of Issue, and two other persons, who may be the Master of the Mint at Madras and the Master of the Mint at Bombay, who shall be called respectively the Commissioners of the Department of Issue at Madras and Bombay, and it shall be lawful for the Governor-General of India in Council from time to time, by Rules to be published in the Gazettes of Calcutta, Madras, and Bombay, to make such arrangements through any Officers of Government or with any persons, Banks, or Bodies Corporate, either at Calcutta, Madras, and Bombay, or elsewhere, as may be required to regulate and facilitate the issue and payment, under the provisions of this Act, of Promissory Notes of the Government of India, of such denominations as shall be prescribed under the last foregoing Section, not being for any less sum than ten Rupees.

Power to Governor-General in Council to establish Circles of Issue.

V. It shall be lawful for the Governor-General of India in Council from time to time, by order to be published in the Gazettes of Calcutta, Madras, and Bombay, to establish in British India, Districts, to be called "Circles of Issue," three of which Circles shall include the Towns of Calcutta, Madras, and Bombay, respectively, and in each Circle to appoint some one city or town to be the place of Issue of Notes, as hereinafter provided. It shall be lawful for the Governor-General of India in Council, by an order to be published as aforesaid, from time to time

to time to alter or extend the limits of the said Circles or any of them. Promissory Notes of the Government of India may be issued in the several Circles of issue as hereinafter provided.

Deputy Commissioners to be appointed.

VI. For each Circle of Issue other than those which include the Towns of Calcutta, Madras, and Bombay, there shall be appointed by the Governor-General in Council an Officer of the Government or other person to be called the Deputy Commissioner of Issue. In any Circle of Issue there may be also established an Agency or Agencies of Issue in connection with a Bank or otherwise.

Commissioners to be subordinate to Head Commissioner, Deputy Commissioners to Commissioner.

VII. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner; the Deputy Commissioners and Agents in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and the Deputy Commissioners and Agents in the Presidencies of Fort Saint George and Bombay shall be subordinate to the Commissioners of Madras and Bombay respectively.

Notes to be prepared by Head Commissioner and distributed by him.

VIII. The Head Commissioner of Issue for the time being shall provide, on paper to be specially manufactured for the purpose, Promissory Notes of the Government of India payable to bearer on demand, of the denominations which shall be from time to time prescribed under Section III of this Act, and shall supply or cause to be supplied to the Commissioners at Madras and Bombay, and to the several Deputy Commissioners and Agents, such Notes as they shall require for the purposes of this Act, and all Notes shall bear upon them the name of the city or town from which they are severally issued, and shall be payable only at the Office or Offices or Agencies of Issue of such city or town, and at the Presidency Town of the Presidency within which such city or town is situated.

Where payable.

When such Notes may be issued.

IX. The Head Commissioner, the Commissioners, and the Deputy Commissioners and Agents shall, in their respective "Circles of Issue," on the demand of any person, Issue from such Office or Offices or Agencies of Issue as shall be established in the appointed city or town in

town in their respective Circles, Promissory Notes of such denominations as shall be prescribed under Section III, not being for any less sum than ten Rupees, on the terms following:—

First, in exchange for the amount thereof in current silver coin of the Government of India.

Or, *secondly*, in exchange for the amount thereof in standard silver bullion or foreign silver coin computed according to such standard, at the rate of 979 Rupees per 1000 tolahs of standard silver fit for Coinage;

Provided that the said Head Commissioner, Commissioners, Deputy Commissioners, and Agents shall, in all cases, be entitled to require such silver bullion and foreign coin to be melted and assayed at the expense of the person tendering the same, and provided also that in all places where there is no Mint of the Government of India, it shall be optional for any such Head Commissioner, Commissioner, Deputy Commissioners and Agents, to issue Notes in exchange for silver or foreign coin under this Section;

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Or, *thirdly*, in exchange for other Notes of the Government of India payable to bearer on demand of other amounts issued within the same Circle.

Provided also, that it shall be lawful for the Governor-General in Council from time to time to direct, by order to be published in the Gazettes of Calcutta, Madras, and Bombay, that Notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such Offices or Agencies of Issue as may be named in the order, in exchange for gold coin of full weight of the Government of India, or for foreign gold coin or gold bullion computed at such rates and according to such rules and conditions as shall be fixed by such order, and which rates, rules, and conditions shall not be altered without six months' previous notice. Whenever such order shall be issued, the Head Commissioner, Commissioners, Deputy Commissioners, and Agents, at the Offices or Agencies specified in the order, shall be bound to issue Notes on demand in conformity with such order.

X. The

The whole amount of bullion and coin received for Notes to be kept as a reserve to pay such Notes, excepting an amount not exceeding 4 crores of Rupees to be fixed as the minimum limit of circulation.

X. The whole amount of the bullion and coin so received for Notes shall be retained and secured as a reserve to pay such Notes, with the exception of such an amount, not exceeding four crores of Rupees, as the Governor-General in Council, with the consent of the Secretary of State for India, shall from time to time fix. The amount so fixed shall be published in the Gazettes of Calcutta, Madras, and Bombay, and shall be invested in Government securities, and the said coin, bullion, and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said Notes; and the said Notes shall be deemed to have been issued on the security of the coin, bullion, and securities so appropriated and set apart, as well as on the general credit of the Government. Provided that any gold coin or bullion which may be received under this Act, may be sold or exchanged for silver coin or bullion to be so appropriated and set apart, instead of the gold coin or bullion.

In what names the Government Securities to stand.

XI. The Government Securities purchased under this Act in the Presidency of Fort William in Bengal shall stand in the name of the Head Commissioner and the Master of the Mint at Calcutta; the Government Securities purchased under this Act in the Presidency of Fort Saint George shall stand in the name of the Commissioner at Madras and the Master of the Mint at Madras; and the Government Securities purchased under this Act in the Presidency of Bombay shall stand in the name of the Commissioner at Bombay and the Master of the Mint at Bombay. Provided that if the Head Commissioner or Commissioner in any case be the Master of the Mint, the Governor-General in Council shall appoint another Trustee or Trustees in addition to the Master of the Mint.

Rules to be framed for keeping and auditing the Accounts.

XII. The Head Commissioner from time to time shall frame Rules to be approved by the Governor-General of India in Council, for keeping the accounts of the said Department of Issue, and for the auditing of such accounts, and for otherwise regulating the business of the Department; provided that such Rules shall be in no wise inconsistent with the provisions of this Act.

Abstract of accounts to be published.

XIII. An abstract of the accounts of the Department, showing the whole amount of Notes in circulation, the amount of coin and bullion reserved, distinguishing gold from silver, and the amount

amount of the Government Securities held by the said Department, shall be made up monthly in Calcutta, and published as soon as may be in the Gazettes of Calcutta, Madras, and Bombay.

Securities to be disposed of when necessary.

XIV. It shall be lawful for the Head Commissioner in respect of the Presidency of Fort William in Bengal, and for the Commissioners at Madras and Bombay in respect of the Presidencies of Madras and Bombay respectively, at any time when they shall be ordered so to do by the Governor-General of India in Council, to sell and dispose of any portion of the abovementioned limited amount of Government Securities standing in their names respectively, and in the names of the Masters of the Mint or Trustees as aforesaid; and for the purpose of effecting such sales, the said Masters of the Mint or Trustees respectively shall, on a request in writing from the said Head Commissioner or Commissioners in their respective Presidencies, at all times sign and endorse such Government Securities as shall stand in their names respectively, and it shall be lawful for the said Head Commissioner or Commissioners, if directed by the Governor-General of India in Council, to purchase Government Securities to replace their sales.

Interest of Securities to be paid to the credit of Government.

XV. The interest accruing due on the Government Securities purchased and held under this Act shall be entered in a separate account, to be annually rendered by the Head Commissioner to the Governor-General of India in Council; and the amount of such interest shall, from time to time, as it becomes due, be paid by the Accountants General in the several Presidencies of India, into the revenues of the Government of India, under the head of "Profits of Notes Circulation," and an account showing the amount of profits of the Note circulation and of the charges and expenses incidental thereto, shall be made up and published annually in the Gazettes of Calcutta, Madras, and Bombay.

Notes where legal tender.

XVI. Within any of the "Circles of Issue," as hereinbefore provided, a tender of a Note or Notes issued under this Act from any Office or Agency of Issue of such "Circle of Issue," shall be a legal tender to the amount expressed in such Note or Notes, and shall be taken to be valid as a tender to such amount in payment of any revenue or other claim to the amount of ten Rupees and upwards due to the Government of India, and in payment of any sum of ten Rupees and upwards due by the Government of India, or by any Body Corporate or by any person or persons in British

in British India, on all occasions whatsoever on which any tender of money can be legally made. Provided that no such Note or Notes shall be deemed to be a legal tender of payment by the Government of India at any Office or at the Issue Department of any Agency of Issue.

Name of Head Commissioner, &c., may be impressed with machinery.

XVII. The name of the Head Commissioner, of either of the Commissioners, of any Deputy Commissioner, or of any other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign Notes issued under this Act, may be impressed or affixed by machinery provided for that purpose by the Government of India, and such printed names shall be taken to be good and valid signatures to all intents and purposes, as if such Notes had been subscribed in the proper handwriting of any one of the persons aforesaid whose signatures the said printing purports to represent.

Notes may be described as Promissory Notes.

XVIII. All Notes issued under this Act shall be deemed and taken to be Promissory Notes of the Government of India, and may and shall be described as Promissory Notes of the Government of India in all indictments, and in Criminal and Civil proceedings, any law or usage to the contrary notwithstanding.

Penalty for issuing such Notes contrary to provisions of this Act.

XIX. If any Body Corporate or person, after the passing of this Act, shall, contrary to the provisions of this Act, draw, accept, make, or issue any Bill of Exchange, Promissory Note, or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the Bills or Notes or engagements for the payment of money payable to bearer on demand of any such Body Corporate or person, such Body Corporate or person shall be liable to a penalty to the amount of every such Bill of Exchange, Promissory Note, or engagement for the payment of money, to be recovered on the prosecution of the Head Commissioner, Commissioner, or Deputy Commissioner, as the case may be, of the "Circle of Issue" in which such Bill of Exchange, Promissory Note, or engagement for the payment of money is issued, before any Police Magistrate or Magistrate within such "Circle of Issue," and in case of conviction, and default of payment of such penalty, the Police Magistrate or Magistrate who shall try the case shall issue his warrant to levy the amount thereof, together with the reasonable costs of the prosecution, by distress

by distress and sale of the goods and chattels of the Body Corporate or person so convicted.

Definition of "British India."

XX. The words "British India" in this Act shall denote the Territories that are or may be vested in Her Majesty by the Statute 21 and 22 Vic. c 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

ACT No. XX of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th July 1861.)

An Act to amend Act XXV of 1858 *(for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay).*

Preamble.

WHEREAS it is expedient to amend Act XXV of 1858 ; It is enacted as follows :—

Removal of an elected Municipal Commissioner.

Vacancy so occurring how to be filled up.

I. It shall be lawful for the Governor in Council of Bombay to remove from office any Municipal Commissioner elected or who may hereafter be elected by the Justices of the Peace in Sessions assembled, if the said Justices in Sessions assembled shall recommend such removal. In the event of a vacancy occurring by such removal, the Justices shall, as soon as convenient, elect a person to supply the vacancy until the next triennial election.

Annual rate how payable.

II. So much of Section X of Act XXV of 1858 as prescribes that the annual rate thereby imposed shall be payable in quarterly instalments is repealed, and it is hereby enacted that the annual rate imposed by the said Section upon houses, buildings, and tanks in the Town of Bombay shall be payable by the owners thereof by yearly payments or by quarterly instalments as the Governor in Council, by a Notification to be published in the Government *Gazette* before the commencement of the year in which such rate is to have effect, shall think fit to require the same to be paid.

III. In

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Levy of additional Town Duties.

III. In addition to the Town Duties leviable under the said Act, the following Duties shall be levied in respect of the articles hereinafter mentioned when the same are imported from any place into the Town of Bombay and are intended for use therein, (that is to say)—

	Rs.	As.	Pie.	
Bricks.....	„	2	0	per thousand.
Tiles,.....	„	2	0	

The said Duties shall be deemed Town Duties within the provisions of the said Act relating to Town Duties, and shall be levied and collected accordingly by and under the management of the Commissioner of Customs of Bombay and his Subordinate Officers, and shall be paid into the General Treasury to the credit of the Municipal Commissioners.

Town Duty may be levied subsequently if not ascertainable at time of importation.

IV. If it appear to the Commissioner of Customs of Bombay that the amount of Town Duty leviable in respect of any articles cannot be ascertained at the time of importation by reason that the whole of the articles may not be intended for consumption or use within the Town or for any other reason, it shall be lawful for the said Commissioner to levy and collect such amount at any subsequent period.

Port of Bombay to be deemed a Warehousing Port as regards Timber.

V. The Port of Bombay shall, after the passing of this Act, be held to be a Warehousing Port within the meaning of Act XXV of 1836 so far as regards the Warehousing of Timber ; and the provisions of the said Act, so far as the same are applicable, shall be applied to the Warehousing of Timber in the said Town. In the construction of this Act and of Act XXV of 1836 in conjunction with this Act the Import Duty in Act XXV of 1836 shall be construed to mean the Town Duty leviable on Timber under Act XXV of 1858.

Construction of Act XXV of 1836.

Warehousing of Timber not paying Town Duty at time of importation.

VI. If the Town Duty leviable under the said Act upon Timber is not paid at the time of importation, the Timber may be Warehoused or deposited in some place of security to be appointed or approved by the said Commissioner of Customs.

toms. Such Warehouse or place shall be deemed a public Warehouse within the meaning of Act XXV of 1836, and the importer shall pay the Town Duty on the said Timber on its removal from such Warehouse or place for consumption in the said Town. When Timber so Warehoused or deposited is re-exported to any place beyond the limits of the said Town, the whole of the said Town Duty shall be remitted.

Remission of Town Duty on re-exportation of Timber.

VII. This Act shall take effect on and from the 1st day of September 1861, and shall be read with and taken as part of the said Act XXV of 1858.

Commencement and construction of Act.

ACT No. XXI of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 27th July 1861.*)*

An Act for limiting in certain cases for the year commencing from the 31*st day of July* 1861, *the amount of Assessment to the Duties chargeable under Act XXXII of* 1860 (*for imposing Duties on Profits arising from Property, Professions, Trades, and Offices*) *and Act XXXIX of* 1860 (*to amend Act XXXII of* 1860).

Preamble.

WHEREAS it is expedient to limit in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices) and Act XXXIX of 1860 (to amend Act XXXII of 1860).; It is enacted as follows :—

Issue of General Notice regarding the rate and amount of assessment of duties under Schedules 1 and 2 for the year commencing 31st July 1861.

I. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Government Gazette, to direct that within the Territories or any part of the Territories, subject to the local Government of any Presidency or place, the general or special notices required by Sections XXXVII and XXXVIII of the said Act XXXII of 1860, shall not be issued for the year commencing from the 31st day of July 1861 in respect to the duties contained in Schedules 1 and 2 of the said Act, and that in such Territories or part of such Territories the Returns of profits or income chargeable with duties under the said Schedules, as prescribed by Section XXXIX of the said Act, for the year commencing as above, shall not be required;

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quired; but that in the place of such notices a general notice shall be issued in such Territories or part of such Territories to the effect that, except as hereinafter provided, the assessment of the duties contained in the said Schedules for the year commencing as above upon the several persons liable thereto, either on their own behalf or on behalf of any other person, shall be at the same rate and on the same amount at and on which such persons were or shall be assessed for the year ending on the 31st day of July 1861.

Form and publication of General Notice.

II. The general notice to be issued under the last preceding Section shall be in the form appended to this Act or to the like effect, and shall fix a period of two months after which the assessments under this Act shall be made. Such notice shall be published in the Official Gazette of the Presidency or place within which it is issued, and in such other manner as the local Government shall direct, and copies of such notice shall be affixed at the several places within such Territories or part of such Territories which are mentioned in Section XXXVII of the said Act XXXII of 1860.

Assessments to be made and recovered without requiring Returns of profits or income.

III. After the expiration of the period specified in such notice, the Officers within such Territories or part of such Territories whose duty it is to make assessments under the said Acts XXXII and XXXIX of 1860, shall proceed, except as hereinafter provided, without requiring the Returns prescribed by Section XXXIX of the said Act XXXII of 1860 for the year commencing from the 31st day of July 1861 in respect to the duties contained in Schedules 1 and 2 of the said Act, to assess the several persons in their respective jurisdictions liable to the said duties, either on their own behalf or on behalf of any other person, for the year commencing as above, at the same rate and on the same amount at and on which such persons were or shall be assessed to the said duties for the year ending on the date above-mentioned, and shall proceed to collect and recover the amount of such assessments under the provisions contained in the said Act XXXII of 1860 which are hereby declared applicable to the assessments so made.

Payment of duties.

IV. The assessment ordered to be the assessment for the year commencing from the 31st day of July 1861 under the last preceding Section shall, in the case of every person as aforesaid

aforesaid who shall not claim to be assessed under Act XXXII of 1860 as hereinafter provided, be the assessment on every such person under Schedule 1 and 2 of the said Act XXXII of 1860 for the year commencing as above, and the duties imposed by the said Acts XXXII and XXXIX of 1860 under such Schedules shall be payable on such assessment in the same manner as if it had been made on a fresh Return made under Section XXXIX of the said Act XXXII of 1860; and all the provisions of the said Act XXXII of 1860 for the collection and enforcement of payment of duties assessed and payable under the said Act shall be applicable to the collection and enforcement of payment of the duties under the assessments herein provided for.

Claims to be assessed under Act XXXII of 1860.

V. If any person within such Territories or part of such Territories chargeable with the duties contained in Schedules 1 and 2 of the said Act XXXII of 1860 or either of them, for the year commencing from the 31st day of July 1861, shall object to the assessment provided by this Act, and shall claim to be assessed under the said Act XXXII of 1860, he shall apply to the Assessor within whose jurisdiction he resides, for forms of Returns of profits or income chargeable under the said Schedules or either of them, and such person shall, within the period mentioned in such general notice, deliver the Return for the year commencing as above, filled up in the manner and containing the declaration prescribed by the said Act XXXII of 1860, at the Office of such Assessor or of the Special Commissioner or Collector, and claim to be assessed thereon in the same manner as if this Act had not passed. No such claim to be assessed under the said Act XXXII of 1860, shall be received unless made within the period aforesaid.

Mode of assessment in such cases.

VI. When any claim shall be made under the provisions of the last preceding Section within the time therein allowed, it shall be the duty of the Assessor or the Special Commissioner or Collector, as the case may be, to whom such claim is made, to assess the person making it on his profits or income chargeable under the said Schedules for the year commencing from the 31st day of July 1861 in accordance with the provisions of the said Act XXXII of 1860, and all the provisions of the said Act shall be applicable to the Return and Declaration made by such person and to the assessment made upon him.

VII. Nothing

Saving of issue of special notice to a person who has made no Return for the year ending 31st July 1861, &c.

VII. Nothing in this Act shall be held to debar the Commissioners of any Presidency Town or any Collector, from issuing or ordering the issue by an Assessor of a special notice according to the form and in the manner provided by Section XXXVIII of the said Act XXXII of 1860, to any person residing within the jurisdiction of such Commissioners or Collector whom they or he shall consider liable to the duties chargeable under the said Schedules 1 and 2, or either of them, for the year commencing from the 31st day of July 1861, but to whom a special notice requiring such person to make a return of his profits or income under the said Schedules for the year ending on the date abovementioned shall not have been issued within such jurisdiction ; or to any person who such Commissioners or Collector shall have reason to believe made a fraudulent return of his profits or income under the said Schedules or either of them for the said last mentioned year, and who shall not have been surcharged upon such return; or to any person who shall have been assessed to the duties under the said Schedules or either of them on a return of profits or income calculated upon any period less than a whole year, Provided that no notice shall be issued under this Section after the expiration of three months from the date of the general notice mentioned in Section I of this Act.

Procedure on Special Notice.

VIII. When a special notice shall be issued to any person under the provisions of the last preceding Section, all the provisions of the said Act XXXII of 1860 as to special notices shall apply thereto and to any Return and Declaration made by such person and to the assessment of such person.

Case of transfer of immoveable Property.

IX. When any transfer of any immoveable property, which shall have been or shall be assessed to the duties contained in the said Schedule I of the said Act XXXII of 1860 for the year ending upon the 31st day of July 1861, shall have taken place subsequently to the date at which such assessment shall have been or shall be made, the person in the enjoyment of the profits or income arising from such property, at the time that the assessment of duties thereupon for the year commencing from the said 31st day of July 1861 is made, shall be liable to be assessed on the profits of such property under the rules contained in the said Act XXXII of 1860 in the same manner as if this Act had not passed.

X. The

Act not to apply to duties under Schedules 3 and 4.

X. This Act shall not apply to the duties contained in Schedules 3 and 4 of the said Act XXXII of 1860, or to the assessment, collection, and recovery of such duties.

NOTICE.

Income Tax Act, Schedules 1 and 2.

Under the orders of the Governor-General of India in Council, Notice is hereby given that, except in the case of any person or persons to whom a special notice is issued, the assessment for the Income Tax for the year commencing from the 31st July 1861 under Schedules 1 and 2 Act XXXII of 1860 (Income Tax Act) will be the same as for last year ; provided that if any person object to such assessment, he may apply to the Assessor of his Division for forms of Returns of profits or income under the said Schedules, and send in his Return thereof within two months from the date of this Notice, and he will then be assessed on such Return under the said Act XXXII of 1860.

dated

Collector (or Commissioner.)

ACT No. XXII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th August 1861.)

An Act to amend Act III of 1857 (relating to trespasses by Cattle.)

Preamble.

WHEREAS it is expedient to amend Act III of 1857 (relating to trespasses by Cattle); it is enacted as follows:—

Punishment for causing Cattle to trespass.

I. Whoever with intent to cause or knowing that he is likely to cause wrongful loss or damage to any person, causes Cattle to trespass on any land or on the crop cultivated on any land, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to three months, or with fine not exceeding two hundred Rupees, or with both.

Punishment for committing the same offence and thereby causing damage to the amount of 50 Rs.

II. Whoever commits the offence defined in the foregoing Section, and thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to two years, or with fine not exceeding two hundred Rupees, or with both.

Definition of "Magistrate."

III. The term "Magistrate" in the foregoing Sections shall include any Officer who, by any law for the time being in force, is competent to sentence any offender to imprisonment for the period of six months and to a fine amounting to two hundred Rupees.

IV. When

PRICE 6 PIES.

IV. When a fine is imposed upon a conviction for any offence under this Act, the Magistrate may order that the fine or any part thereof, not exceeding the loss appearing to be caused to any person who has suffered by such offence, be paid to such person, and in any such case the fine when levied or received shall be paid accordingly.

Award of fine to the injured party.

No amount ordered to be paid under this Section shall be paid over to the person to whom it is awarded until the lapse of thirty days from the date of such order, unless such order shall have been sooner confirmed by an Appellate Court.

Proviso.

V. Any sentence or order made in any case tried under this Act shall be subject to appeal, in like manner as the sentences or orders made by the Magistrate or other Officer aforesaid in criminal trials are subject to appeal by any law for the time being in force.

Appeal.

VI. The power of seizing or causing to be seized any Cattle trespassing on, or doing damage to, any land or to any crop or produce thereon, conferred by Section II of the said Act III of 1857, may be exercised, subject to the provisions of the said Act, by any person who has given cash advances for the cultivation of the crop or produce on such land or to whom such crop or produce shall have been sold or mortgaged.

Power of seizing Cattle.

ACT No. XXIII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 28th August 1861.)

An Act to amend Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)*

Preamble.

WHEREAS it is expedient to amend Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)* and to consolidate the Acts previously passed for the amendment of the said Act; It is enacted as follows :—

Acts repealed.

1. Sections 23, 33, 193, 215, 274, 283, 332, 339, 358, 375, and 381 of Act VIII of 1859, Act IV of 1860 *(to amend Act VIII of* 1859*)*, Section X Act XLII of 1860 *(for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter)*, and Act XLIII of 1860 *(to amend Act VIII of* 1859*)*, are hereby repealed.

Cost of serving process.

Requisite sum to be paid into Court within a certain time before process is issued.

2. Every process required to be issued under Act VIII of 1859, shall be served at the expense of the party at whose instance it is issued, unless otherwise specially directed by the Court; and the sum required to defray the costs of such service shall be paid into the Court before the process is issued, within a period to be fixed by the Court issuing the process.

Plaint to be returned, if it appear to the Court that it has not jurisdiction.

3. If it appear to the Court in any case relating to land or other immoveable property that such land or other property is not situate within the limits of the jurisdiction of the Court, or in any other case that the cause of action did not arise, and that the defendant is not dwelling or personally working for gain, within such limits, the Court shall return the plaint to the plaintiff in order to its being presented in the proper Court.

4.

PRICE 2 ANNAS AND 3 PIES.

In what Court a suit against several defendants may be brought.

4. If in any suit there are more defendants than one, and at the date of the institution of the suit all the defendants shall not reside within the jurisdiction of the Court in which the suit is brought, but one or more of the defendants shall reside within such jurisdiction, the suit shall not be rejected by reason of all the defendants not residing within the jurisdiction of the Court in which the suit is brought, but the District Court, if the suit is pending in any Court subordinate to such Court, or the Sudder Court, may order that the suit be heard in any Court subordinate to such Sudder or District Court, and competent in respect of the value of the suit to try the same.

Procedure on discovery, on the day fixed for defendant to appear and answer, that usual notice has not been served in consequence of failure of plaintiff to deposit the cost of issuing the same.

5. If on the day fixed for the defendant to appear and answer to a suit, it shall be found that the summons to the defendant has not been served in consequence of the failure of the plaintiff to deposit, within the time allowed, the sum required to defray the cost of issuing the summons, the Court may order that the suit be dismissed. Provided that no such order shall be passed, although the summons shall not have been served upon the defendant, if on the day fixed for the defendant to appear and answer he shall have entered an appearance by a pleader or by a duly authorized Agent when he is allowed to appear by Agent, or shall be in attendance in person.

Provisions of last Section to apply to appeals also.

6. The provisions of the last preceding Section shall apply to appeals also.

Procedure in case of dismissal of suit under Section 5.

7. Whenever a suit is dismissed under the provisions of Section 5 of this Act, the plaintiff shall be at liberty to institute a fresh suit, unless precluded by the rules for the limitation of actions, or if the plaintiff shall satisfy the Court within the period of thirty days from the date of the order dismissing the suit, that there was a sufficient excuse for his not making the deposit required within the time allowed, the Court may order a fresh summons to issue upon the plaint already filed.

Procedure on application for discharge by a person arrested in execution of a decree for money.

8. When a person arrested under a warrant in execution of a decree for money shall, on being brought before the Court, apply for his discharge on either of the grounds mentioned in Section 273 of Act VIII of 1859, the Court shall examine the applicant in the presence of the plaintiff or his pleader, as to his then circumstances and as to his future means of payment, and shall call upon the plaintiff

to

to show cause why he does not proceed against any property of which the defendant is possessed and why the defendant should not be discharged; and should the plaintiff fail to show such cause, the Court may direct the discharge of the defendant from custody. Pending any enquiry which the Court may consider it necessary to make into the allegations of either party, the Court may leave the defendant in the custody of the Officer of the Court to whom the service of the warrant was entrusted, on the defendant depositing the fees of such Officer, which shall be at the same daily rate as the lowest rate charged in the same Court for serving process; or if the defendant furnish good and sufficient security for his appearance at any time when called upon while such enquiry is being made, his surety or sureties undertaking in default of such appearance to pay the amount mentioned in the warrant, the Court may release the defendant on such security.

Court may of its own accord summon witnesses.

9. If the Court shall at any time think it necessary for the ends of justice to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own accord, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession on a day to be appointed, and may examine such person as a witness. The costs of summoning such person, if not deposited by either party to the suit, shall be paid by the Collector under an order of the Court, and shall be costs in the suit, and shall be paid out of any money recovered on account of costs in the suit, whether at the instance of the Government or of either party, before any other costs in the suit are paid.

In suits for money, decree may order certain interest to be paid on the principal sum adjudged.

10. When the suit is for a sum of money due to the plaintiff, the Court may, in the decree, order interest at such rate as the Court may think proper to be paid on the principal sum adjudged from the date of suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the date of suit; with further interest on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment.

How questions regarding amount of mesne profits and interest and sums paid in satisfaction of decrees, &c., are to be determined.

11. All questions regarding the amount of any mesne profits which by the terms of the decree may have been reserved for adjustment in the execution of the decree, or of any mesne profits or interest which may be payable in respect of the subject-matter of a suit between the date of the institution of the suit and execution of the decree, as well as questions

tions relating to sums alleged to have been paid in discharge or satisfaction of the decree or the like, and any other questions arising between the parties to the suit in which the decree was passed and relating to the execution of the decree, shall be determined by order of the Court executing the decree, and not by separate suit, and the order passed by the Court shall be open to appeal. Provided that if upon a perusal of the petition of appeal and of the order against which the appeal is made, the Court shall see no reason to alter the order, it may reject the appeal, and it shall not be necessary in such case to issue a notice to the respondent before the order of rejection is passed.

Appeals from orders rejected under Section 364 Act VIII of 1859, may be admitted on application.

12. An appeal from an order passed in execution of a decree which shall have been rejected as inadmissbile under Section 364 of Act VIII of 1859, or which would have been inadmissible before the passing of this Act, but which is rendered admissible by this Act, may be admitted on an application in writing to the Court which rejected the appeal, or by which the appeal, had it been admissible before the passing of this Act, would have been cognizable, provided the application be preferred within ninety days from the date of the passing of this Act. The application may be written on the Stamp paper prescribed for petitions in the Court to which it is presented when a Stamp on petitions is required.

Application to be on Stamp paper.

In suits of the nature and amount cognizable by Small Cause Courts, Court may on verbal application of the judgment-creditor direct immediate execution either against the person or property of judgment-debtor.

13. When a decree is passed in any suit of the nature and amount cognizable by Courts of Small Causes constituted under Act XLII of 1860, the Court passing the decree, whether such Court be a Court constituted as aforesaid, or any other Court, may, at the same time that it passes the decree, on the verbal application of the party in whose favor the decree is given, direct immediate execution thereof by the issue of a warrant directed either against the person of the judgment-debtor if he is within the local limits of the jurisdiction of the Court passing the decree, or against the personal property of the judgment-debtor within the same limits. If the warrant be directed against the personal property of the judgment-debtor, it may be general against any personal property of the judgment-debtor wherever it may be found within the local limits of the jurisdiction of the Court, or special against any personal property belonging to the judgment-debtor within the same limits, which shall be indicated by the judgment-creditor.

Co-sharer of a share of a Putteedaree Estate sold in execution of decree may claim to take the share at the sale price.

14. When the land sold in execution of a decree is a share of a Putteedaree Estate paying revenue to Government as defined in Section II Act I of 1841 *(for facilitating the collection of the Revenue of Government and defining the interest intended to be conveyed by public sales for the realization of arrears of the Public Revenue in Putteedaree Estates)*, if the lot shall have been knocked down to a stranger, any co-sharer other than the judgment-debtor, or any other member of the coparcenary, may claim to take the share sold at the sum at which the lot was knocked down. Provided that the claim be made on the day of sale, and that the claimant fulfil all the conditions of the sale.

Proviso.

Procedure on receiving application for execution of decree.

15. The Court, on receiving any application for execution of a decree containing the particulars mentioned in Section 212 of Act VIII of 1859, or such of them as may be applicable to the case, shall enter a note of the application and the date on which it was made in the Register of the suit. If it shall be shown to the Court that the particulars do not correspond with the original decree, the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made. If the application be admitted, the Court shall order execution of the decree according to the nature of the application.

Procedure when certain offences under Chapter XI of the Penal Code are committed in any case pending before any Court.

16. When in any case pending before any Court any witness or other person shall appear to the Court to have been guilty of an offence described in Section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, or 210 of the Indian Penal Code, the Court may commit such person to take his trial for the offence before the Court of Session, or after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having jurisdiction to try or commit for trial the accused person for the offence charged, and such Magistrate shall thereupon proceed according to law.

Court may take bail and bind over witnesses to give evidence.

17. The Court may send the person accused in custody or take sufficient bail for his appearance before the Magistrate and may bind over any person to appear and give evidence before the Magistrate.

18.

18. When the commitment is made by the Court, the Court shall frame a charge in the manner provided in Chapter XIII of the Code of Criminal Procedure, and shall transmit the same with the order of commitment and the record of the case to the Magistrate, and such Magistrate shall bring the case together with the witnesses for the prosecution and defence before the Court of Session.

How the charge is to be framed.

19. When in any case pending before any Court there shall appear to the Court sufficient ground for sending for investigation to the Magistrate, a charge described in Section 463, 471, 475, or 476 of the Indian Penal Code, which may be preferred in respect to any deed or paper offered in evidence in the case, the Court may send the person accused in custody to the Magistrate or take sufficient bail for his appearance before the Magistrate. The Court shall send to the Magistrate the evidence and documents relevant to the charge, and shall bind over any person to appear and give evidence before such Magistrate. The Magistrate shall receive such charge and proceed with it under the rules for the time being in force.

Procedure in case of certain offences relating to documents.

20. If the person accused or any one of the persons accused in any case falling under Section 16 or Section 19 of this Act is a European British subject, the Court shall send such person in custody or take sufficient bail for his appearance before an Officer empowered to commit or hold to bail persons charged with offences for trial before a Supreme Court of Judicature, and such Officer shall proceed according to law.

Procedure in case person accused under Section 16 or 19 is a European British subject.

21. When any such offence as is described in Section 175, 178, 179, 180, or 228 of the Indian Penal Code is committed in the view or presence of any Court, it shall be competent to such Court to cause the offender, whether he be a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day to take cognizance of the offence; and to adjudge the offender to punishment by fine not exceeding two hundred Rupees, or by imprisonment in the Civil Jail for a period not exceeding one month unless such fine be sooner paid. In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence. If the Court, in any case, shall consider that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred Rupees should be imposed upon him, such Court, after recording

Procedure in certain cases of contempt.

cording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or if sufficient bail be not tendered shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace. If the case be forwarded to a Magistrate, such Magistrate shall proceed to try the accused person in the manner provided for trials before a Magistrate, and it shall be competent to such Magistrate to adjudge such offender to punishment, as provided in the Section of the Indian Penal Code under which he is charged. If the case be forwarded to a Justice of the Peace, such Justice of the Peace shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by the Statute 53 George III, c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender in the same manner as is provided in that behalf in the said Statute. If such Justice of the Peace shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature.

Discharge of an offender on his submission.

22. When any person has been sentenced to punishment under the last preceding Section, for refusing or omitting to do anything which he was lawfully required to do, it shall be competent to the Court to discharge the offender, or to remit the punishment, on the submission of the offender to the order or requisition of such Court.

Appeal to lie from all decrees, except when expressly prohibited.

Appeal to Sudder Court to be heard by two or more Judges.

23. Except when otherwise expressly provided in this or any other Regulation or Act for the time being in force, an appeal shall lie from the decrees of the Courts of original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts. If the appeal lie to the Sudder Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court. If, when the Court consist of only two Judges, there is a difference of opinion upon the evidence in cases in which it is competent to the Court to go into the evidence, and one Judge concur in opinion with the Lower Court as to the facts, the case shall be determined accordingly: if in a Court so constituted there is a difference of opinion upon a point of law, the Judges shall state the point upon

upon which they differ, and the case shall be re-argued upon that question before one or more of the other Judges and shall be determined according to the opinion of the majority of the Judges of the Sudder Court by whom the appeal is heard.

Procedure in case of application by sureties to be discharged.

24. The sureties for the appearance of any person under Section 76 of the said Act VIII of 1859, may at any time apply to the Court in which they became such sureties to be discharged from their engagements. On such application being made the Court shall summon such person to attend, or if it shall think fit may issue a warrant in the first instance for his appearance. On the appearance of such person pursuant to the summons or warrant or on his voluntary surrender, the Court shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties and thereupon proceedings shall be had under Sections 77 and 78 of the said Act.

Application for the admission of a special appeal informally drawn up, how to be dealt with.

25. If the application for the admission of a special appeal be not written on a Stamp paper of the prescribed value, or if it be not drawn up in the manner laid down in Section 374 of Act VIII of 1859, or if it do not state any ground on which a special appeal will lie under the provisions of Section 372 of the said Act, the Court may reject the application, or may return it to the party for the purpose of being corrected. The order for rejecting the application or for returning it to the party may be passed by a single Judge of the Court. When the application is correctly drawn up, it shall be registered in a book to be kept for that purpose, which shall be in the form contained in the Schedule D. of the said Act, and the case shall proceed in all other respects as a regular appeal, and shall be subject to all the rules hereinbefore provided for such appeals, so far as the same may be applicable.

No appeal from order or decision under Section 15 Act XIV of 1859.

26. No appeal shall lie from any order or decision passed in any suit instituted under Section XV Act XIV of 1859 *(to provide for the limitation of suits)*, nor shall any review of any such order or decision be allowed.

No special appeal from decision of any Court subordinate to the Sudder Court in certain suits.

27. No special appeal shall lie from any decision or order which shall be passed on regular appeal after the passing of this Act by any Court subordinate to the Sudder Court, in any suit of the nature cognizable in Courts of Small Causes under Act XLII of 1860 *(for the establishment of Courts of Small Causes beyond the*

the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter), when the debt, damage, or demand for which the original suit shall be instituted shall not exceed five hundred Rupees; but every such order or decision shall be final.

Reference of question to the Sudder.

28. If in any suit in which an order or decision is made final under the last preceding Section, any question of law, or usage having the force of law, or the construction of a document affecting the merits of the case shall arise, on which the Court trying such suit shall entertain reasonable doubts, the Court may, either of its own motion or on the application of either of the parties to the suit, draw up a statement of the case and submit such statement with its own opinion for the decision of the Sudder Court.

Court may pass decree contingent upon the opinion of the Sudder Court, pending which execution not to issue.

29. The Court may proceed in the case notwithstanding a reference to the Sudder Court, and may pass a decree contingent upon the opinion of the Sudder Court on the point referred; but no execution shall be issued in any case in which a reference shall be made to the Sudder Court until the receipt of the order of that Court.

Two or more Judges of Sudder Court to decide cases referred under Section 28.

30. Cases referred for the opinion of the Sudder Court shall be dealt with by two or more Judges of that Court.

Sudder Court to fix an early day for the hearing of the case. Proclamation thereof.

31. The Sudder Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation to be fixed up in the Court-house of that Court.

Parties may appear and be heard in person or by pleader.

32. The parties to the case may appear and be heard in the Sudder Court in person or by pleader.

Decision of Sudder Court how to be transmitted.

33. The Sudder Court, when it has heard and considered the case, shall transmit a copy of its judgment under the seal of the Court and the signature of the Register, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the Sudder Court.

Costs of reference to Sudder Court.

34. Costs, if any, consequent on the reference of a case for the opinion of the Sudder Court, shall be costs in the suit.

Sudder Court may call for record of lower Appellate Court, and set aside its decision, though no appeal shall lie to the Sudder Court.

35. The Sudder Court may call for the record of any case decided on appeal by any Subordinate Court in which no further appeal shall lie to the Sudder Court, if such Subordinate Court shall appear in hearing the appeal to have exercised a jurisdiction not vested in it by law, and the Sudder Court may set aside the decision passed on appeal in such case by the Subordinate Court, or may pass such other order in the case as to such Sudder Court may seem right.

Security may be taken when execution is required of a decree which has been appealed against.

36. When an order is made for the execution of a decree against which an appeal has been preferred, it shall be lawful for the Court which pronounced the decree to require security to be given for the restitution of any property which may be taken in execution of the decree or of the value thereof, and for the due performance of the decree or order of the Appellate Court. The Appellate Court may in any such case direct the Court which pronounced the decree to take such security.

Appellate Court to have same powers as Courts of original jurisdiction.

37. Unless when otherwise provided, the Appellate Court shall have the same powers in cases of appeal which are vested in the Courts of original jurisdiction in respect of original suits.

Procedure prescribed by Act VIII of 1859, to be followed in all future miscellaneous cases and proceedings.

38. The procedure prescribed by Act VIII of 1859 shall be followed as far as it can be in all miscellaneous cases and proceedings which after the passing of the Act shall be instituted in any Court.

Extension of Act to Non-Regulation Provinces.

39. When under the provisions of Section 385 of the said Act, the Act is extended to any part of the Territories not subject to the General Regulations of Bengal, Madras, and Bombay, it shall be lawful for the Government to which the territory is subordinate to declare that the Act shall take effect therein subject to any restriction, limitation, or proviso which it may think proper. In such case the restriction, limitation, or proviso shall be inserted in the declaration or notification of such extension. When the Act is extended by the Local Government to any territory subordinate

subordinate to such Government, and such extension is made subject to any restriction, limitation, or proviso, the previous sanction of the Governor-General of India in Council shall be requisite.

Sudder Court to make general rules for regulating proceedings, &c.

40. The Sudder Court shall have power to make and issue general rules for regulating the practice and proceedings of that Court and the Courts subordinate to it, and also to frame forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, for keeping all books, entries, and accounts to be kept by the officers, and for the preparation and submission of any statements to be prepared and submitted by such Courts, and from time to time to alter any such rule or form ; provided that such rules and forms be not inconsistent with the provisions of this Act or of any other law in force. Any rules framed under this Section shall be published in the Official Gazette.

Interpretation of "Pleader."

41. The word "Pleader" as used in this Act shall include the words "Counsel" and "Advocate."

Short Title.

42. Act VIII of 1859 shall be called the Code of Civil Procedure.

Sections 16 to 22 of this Act when to take effect.

43. Sections 16, 17, 18, 19, 20, 21, and 22 of this Act shall not take effect until the date on which the Indian Penal Code and the Code of Criminal Procedure shall come into operation.

Construction.

44. This Act shall be read and taken as part of Act VIII of 1859.

ACT No. XXIV of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor-General on the* 31*st August* 1861.)

An Act to enable the Banks of Bengal, Madras, and Bombay to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.

Preamble.

WHEREAS it is expedient to authorize the Banks of Bengal, Madras, and Bombay to enter into the agreements and arrangements hereinafter mentioned ; it is enacted as follows :—

Banks may enter into certain arrangements with Government.

I. It shall be lawful for any of the said Banks, by agreements under their corporate seal, to enter into agreements or arrangements with the Secretary of State for India in Council through the Governor-General of India in Council, the Governor of Madras in Council, and the Governor of Bombay in Council respectively, for superintending, managing, and becoming agents for the issue, payment, and exchange of Promissory Notes of the Government of India, payable on demand under Act XIX of 1861 (*to provide for a Government Paper Currency*) or any Act which may hereafter be passed in relation to the Paper Currency of the Government of India ; for the carrying on the business of an Agency of issue under the said Act XIX of 1861 in any circle of issue in which any of the said Banks shall have established a Branch Bank under Act VI of 1839 (*relating to the Bank of Bengal*) or any other Act ; and for transacting any part of the business of, or hitherto generally transacted by, or at the General Treasuries of the Governments at the several Presidencies of Fort William, Madras, and Bombay respectively.

II. It

PRICE 6 PIES.

II. It shall be lawful for the said Banks of Bengal, Madras, and Bombay, in addition to the modes of business in which they may now by law be respectively engaged, to transact, in accordance with the provisions of the said agreements or arrangements entered into under Section I of this Act, all or any of the business appertaining to the superintendence, management, or agency for the issuing, payment, or exchange in the first Section mentioned and the business of an Agency of issue under the said Act XIX of 1861 in any such circle of issue as aforesaid, or all or any of the business of, or hitherto generally transacted by, the General Treasuries in that Section mentioned.

Banks may transact the business incident to such arrangements.

THE CODE OF CRIMINAL PROCEDURE.

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Form of Security to be subjoined to the Bond of the Principal.

SCHEDULE.

ACT No XXV of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 5th September* 1861.)

An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is enacted as follows :—

Short title.

1. This Act shall be called the Code of Criminal Procedure.

CHAPTER I.

OF DEFINITIONS.

Interpretation.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

"British India."

3. The words "British India" shall denote the territories that are or shall become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

"Special law."

4. The words "special law" shall denote a law applicable to a particular subject.

"Local law."

5. The words "local law" shall denote a law applicable only to a particular part of British India.

"Moveable property."

6. The words "moveable property" shall include corporeal property of every description, except land and things attached to the earth or permanently fastened to any thing which is attached to the earth.

7.

Number.

7. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

8. Words importing the masculine gender shall include the feminine.

"Enquired into."

"Determined."

9. The words "enquired into" shall be deemed to comprise every proceeding preliminary to trial; and the word "determined" to comprise trial, and every subsequent proceeding, including the punishment of the offender.

"Written."

10. The word "written" shall include "printed," "lithographed," and "engraved."

"Criminal Court."

11. The words "Criminal Court" shall denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases, whether for the decision of such cases in the first instance or on appeal, or for commitment to any other Court or Officer.

"Court of Justice."

12. The words "Court of Justice" shall denote a Judge who is empowered by law to act judicially alone, or a body of Judges empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

"Court of Session."

13. The words "Court of Session" shall, subject to the limitations in Section 22, include the Courts of the Assistant Sessions Judges in the Presidency of Bombay.

"Magistrate of the District."

14. The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such Officer is called.

"Magistrate."

15. The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate."

16. The words "the powers of a Magistrate" shall imply the full powers of a Magistrate.

"Any of the powers of a Magistrate."

17. The words "any of the powers of a Magistrate" shall denote powers less than the full powers of a Magistrate.

"District."

"Division of a District."

18. The local jurisdiction of the Magistrate of a District shall, for the purposes of this Act, be deemed a "District;" and the local jurisdiction in a particular part of a District vested in a Magistrate other than the Magistrate of the District, shall be deemed a "division of a District."

"Sudder Court."

19. In any part of British India to which this Act shall be extended, under the provisions of Section 445, the words "Sudder Court" shall denote the highest Criminal Court of Appeal or revision in such part established.

"Year."
"Month."

20. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British Calendar.

CHAPTER II.

OF THE JURISDICTION OF THE CRIMINAL COURTS.

Offences cognizable by Criminal Courts.

21. The Criminal Courts of the several grades, according to the powers vested in them respectively by this Act, shall have jurisdiction in respect of offences punishable under the Indian Penal Code (Act XLV of 1860) or under any special or local law (except offences which are by any such law made punishable by some other authority therein specially mentioned), and in the investigation and trial of the offences hereby declared to be within their jurisdiction, shall be guided by the provisions of this Act.

By what Courts the offences mentioned in the Schedule are triable and within what limits such Courts may pass sentence.

22. The offences mentioned in the Schedule annexed to this Act shall, subject to the provision contained in the third explanatory note prefixed to the said Schedule, be triable by the Courts specified in Column 7 of the said Schedule, and such Courts shall be competent to pass sentence in respect of such offences within the following limits, (that is to say,)

Powers of Court of Session.

The Court of Session. Death (subject to confirmation by the Sudder Court). Transportation, imprisonment of either description for a period not exceeding fourteen years, including such solitary confinement as is authorized by law, or fine to an unlimited amount, or

or both transportation and fine, or imprisonment and fine, in cases in which both punishments are authorized by the Indian Penal Code. In cases in which, according to the Indian Penal Code, forfeiture of property may be adjudged, the Court of Session may adjudge such forfeiture in addition to the sentence.

Assistant Sessions Judges in Bombay.

In the Presidency of Bombay it shall be lawful for a Sessions Judge to delegate cases for trial by an Assistant Sessions Judge: and such Assistant Sessions Judge shall be competent in such cases to pass sentences within the following limits:—Imprisonment of either description for a term not exceeding seven years (including such solitary confinement as is authorized by law), or fine, or both. If the sentence be one of imprisonment for a term exceeding three years, it shall be passed subject to confirmation by the Sessions Judge. The Sessions Judge may review and hear appeals against the proceedings of his Assistants, and may confirm and amend (but not so as to enhance), or may reverse their sentences or orders. It shall not be competent to an Assistant Sessions Judge to review or hear an appeal against the proceedings of a Magistrate.

Powers of the Magistrate of the District.

The Magistrate of the District or other Officer authorized to exercise the powers of a Magistrate. Imprisonment of either description not exceeding the term of two years, including such solitary confinement as is authorized by law, or fine to the extent of one thousand Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Subordinate Magistrates or Officers authorized to exercise any of the powers of a Magistrate—

Powers of Subordinate Magistrates, 1st Class.

1st. Class. Imprisonment of either description not exceeding six months, or fine not exceeding two hundred Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

2nd Class.

2nd Class. Imprisonment of either description not exceeding one month, or fine not exceeding fifty Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

No sentence of solitary confinement, under Section 73 of the Indian Penal Code, shall be passed by any Court inferior to an Officer exercising the powers of a Magistrate.

23. The Local Government may invest any person with the powers of a Magistrate or of a Subordinate Magistrate of the first or second class, as described in the last preceding Section, with a view to the exercise, by such person, of such powers under this Act or under any special or local law.

Local Government may invest any person with powers of Magistrate or Subordinate Magistrate.

24. The Criminal Courts shall have jurisdiction over all persons, except such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras, and Bombay, respectively, or by this Act or any other Act of the Governor-General of India in Council, are, or shall be, exempted from their jurisdiction.

Criminal Courts to have jurisdiction over all persons, except persons expressly exempted.

25. No person whatever shall, by reason of place of birth, or by reason of descent, be exempt from the rules of Criminal Procedure contained in this Act. Provided that nothing in this Section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.

No person exempted from Criminal Procedure by reason of place of birth or of descent.

Proviso.

26. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined in the District or division of a District in which the offence was committed. Provided that nothing in this Section shall exempt European British subjects from being tried and convicted before the Supreme Courts of Judicature for offences committed beyond the local limits of such Courts.

Offence to be ordinarily tried in the jurisdiction where it is committed.

Proviso.

27. When a person shall be accused of the commission of any offence by reason of any thing which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District or division of a District in which any such thing shall have been done or any such consequence shall have ensued.

May be tried in the jurisdiction where the act is done, or where the consequence ensues.

28. The abetment of an offence, wherever such abetment shall have taken place, may be enquired into or determined in any District or division of a District in which the offence abetted may be enquired into or determined by any Court which has jurisdiction to try such offence, as if the abetment had been committed at the same place at which

Abetment.

which the offence abetted was wholly or partly committed; or the abetment may be enquired into or determined in any District or division of a District within which the abettor has done any thing for abetting the commission of such offence.

Offence committed on boundary.

29. When any offence shall be committed on the boundary or boundaries of two or more Districts, whether subject to the same local Government or not, or of two or more divisions of a District, or shall be begun in one District or division of a District and completed in another, whether such Districts be subject to the same local Government or not, every such offence may be enquired into or determined in any of such Districts or divisions of a District, in the same manner as if it had been actually and wholly committed therein.

Offence committed during journey, &c.

30. When any offence shall be committed on any person, or on, or in respect of, any property in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on, or in respect of, any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be enquired into or determined in any District or division of a District, through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if the offence had been actually and wholly committed in such District or division of a District; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two Districts or divisions of a District, such offence may be enquired into or determined in either of such Districts or divisions of a District, through or adjoining to, or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually and wholly been committed in such District or division of a District.

Receiving, &c., stolen property.

31. If any person be charged with any offence punishable under Section 411, 412, or 414 of the Indian Penal Code, under the head "Of the receiving of stolen property," such offence may be enquired into or determined in any District or division of a District in which such person shall have, or shall have had, such stolen property

in

in his possession, or in any District or division of a District in which the offence by which such property came to be stolen property within the meaning of the said Code, may be enquired into or determined.

Being a thug, &c.

32. Whenever any person is charged with being a thug, or with murder as a thug, or with dacoity with or without murder, or with having belonged to a gang of dacoits, or with having belonged to any wandering or other gang of thieves associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits, the offence may be enquired into in any District in which the accused person is, by any Magistrate competent to commit to a Court of Session, and the accused person may be committed to the Court of Session to which such Magistrate is subordinate.

Escape from lawful custody under sentence.

33. If any person shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, or shall be charged with any offence punishable under Section 227 of the Indian Penal Code or under Section XII of Act XXIV of 1855 (*relating to Penal Servitude*), the offence may be enquired into or determined, either in the District or division of a District in which such person shall be apprehended and re-taken, or in the District or division of a District in which he was formerly tried, or in the case of an escape from custody, in the District in which he shall have escaped from custody.

Sudder Court to decide when doubt arises as to the jurisdiction where an enquiry shall take place.

34. Whenever any doubt shall arise as to the District in which any offence should be enquired into or determined, it shall be lawful for the Sudder Court within whose jurisdiction the offender is apprehended, to decide in which District the offence shall be determined.

Sudder Court may transfer any case from one jurisdiction to another.

35. It shall be competent to the Sudder Court to order the transfer of any criminal case or appeal from a Criminal Court subordinate to its authority, to any other such Criminal Court of equal or superior jurisdiction, or to order that any offence shall be enquired into or determined in any District or division of a District, other than that in which the offence shall have been committed, whenever it shall appear to such Sudder Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses.

36. It

36. It shall be competent to the Magistrate of the District, or to a Magistrate in charge of a division of a District, to withdraw any criminal case from any Court subordinate to such Magistrate within his District or division, and to try the case himself, or to refer it for trial to any other such Court competent to try the same.

Magistrate may withdraw any case from a Subordinate Court, and try it himself, or refer it to any other such Court.

37. It shall be competent to the Magistrate of the District, or to any other Officer exercising the powers of a Magistrate, to hold the preliminary enquiry into any cases triable by a Supreme Court of Judicature, and to commit or hold to bail persons to take their trial before such Court, and to exercise all the powers necessary for such purpose.

Commitment for trial before Supreme Court.

38. The local Government may empower any Subordinate Magistrate of the first or second class not vested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any Supreme Court of Judicature, and may empower such Subordinate Magistrate to commit, or hold to bail, persons to take their trial before such Court of Session or Supreme Court, and to exercise all the powers necessary for such purpose.

Subordinate Magistrate may be empowered to prepare cases for trial before the Court of Session or Supreme Court.

39. No person who is not a Justice of the Peace shall commit, or hold to bail, any European British subject to take his trial before a Supreme Court of Judicature.

Only Justices of the Peace empowered to commit European British subjects for trial.

40. When a European British subject is charged with an offence triable by a Supreme Court of Judicature, any Magistrate may hear the complaint against such person, and may issue a warrant of arrest, or hold to bail such person, with a view to the complaint being investigated by a Justice of the Peace.

Procedure when a European British subject is charged with an offence triable by Supreme Court.

41. When a European British subject has been arrested under a warrant, issued under the last preceding Section by a Magistrate not being a Justice of the Peace, if such Magistrate considers that there is sufficient ground for proceeding, he shall forthwith forward the person arrested to a Justice of the Peace, or if the offence with which such person is charged is bailable, shall, if sufficient bail be tendered, admit him to bail for his appearance before a Justice of the Peace.

Procedure when a European is arrested by an Officer not being a Justice of the Peace

When

When the person accused is brought or appears before a Justice of the Peace, under this Section, such Justice of the Peace shall himself hold the preliminary enquiry into the case, before he commits, or holds to bail, such person for trial before the Supreme Court of Judicature.

Saving of jurisdiction given by 53 Geo. III. c. 155, s. 105.

42. Nothing in this Chapter shall interfere with the jurisdiction given by the Statute 53 George III. c. 155, s. 105, or Act VII of 1853 (*to extend the jurisdiction of Magistrates under the* 53 *George* III *c.* 155 *s.* 105 *in cases of assault, forcible entries, and other injuries accompanied by force not being felonies*). Provided that the jurisdiction given by the said Statute and the said Act shall be exercised only by a Justices of the Peace.

Proviso.

CHAPTER III.

PRELIMINARY RULES.

Complainants and witnesses to be examined according to law for time being in force.

43. In all Criminal Courts complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Court may apply portion of fine in compensation for loss or damage caused, &c.

44. In cases in which by the sentence or order of any Criminal Court a fine is imposed upon a conviction for any offence made punishable by fine, whether the offence be punishable or punished by fine only or otherwise, it shall be lawful for such Court to order that the fine or any part thereof, not exceeding the loss appearing to be caused to the person who has suffered by such offence, and any special damage of a pecuniary nature that may have resulted to such person by such offence, and any expenses incurred by the complainant in the prosecution, as the Court may consider reasonable and proper, be paid to or for the benefit of such person according to the discretion of the Court, and in every such case the fine when levied or paid shall be paid and distributed accordingly. If the fine be awarded by a Court whose decision is subject to revision, the amount awarded to the person injured shall not be paid to such person until a period of two months shall have elapsed from the date of the award.

45.

Imprisonment in default of payment of fine.

45. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Sections 64 and 65 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine. Provided that in every such case decided by a Magistrate, the period of imprisonment awarded in default of payment of the fine shall, in no case, exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso.

Sentence in cases of conviction of two or more offences.

46. When a person shall be convicted at one time of two or more offences punishable under the same or different Sections of the Indian Penal Code, it shall be lawful for the Court to sentence such person for the offences of which he shall have been convicted to the several penalties prescribed by the said Code which such Court is competent to inflict; such penalties when consisting of imprisonment to commence the one after the expiration of the other. It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which such Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court. Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years; and provided also, that if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which such Magistrate is by his ordinary jurisdiction competent to inflict.

Proviso.

Currency of sentence of escaped convicts.

47. When sentence shall be passed on an escaped convict for such escape or for any other offence, the Court may direct such sentence to take effect immediately, or after such escaped convict shall have suffered imprisonment or transportation, as the case may be, for a further period equal to that which remained unexpired of his former sentence at the time of his escape.

Judgment on offender already imprisoned under sentence for another crime.

48. When sentence shall be passed on a person already under sentence of imprisonment or transportation for another offence, the Court, if the sentence be for imprisonment, shall direct that such imprisonment shall commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, or if such person shall be undergoing a sentence of

of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately or at the expiration of the imprisonment to which such person shall have been previously sentenced. Provided that nothing in this Section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

49. When any person is sentenced to imprisonment, it shall be lawful for the local Government to order the removal of such person during the period prescribed for his imprisonment from the jail or place in which he is confined to any other jail or place of imprisonment within the jurisdiction of the same local Government.

Local Government may order removal of a prisoner from one jail to another.

50. When any person shall be sentenced to transportation, the Court passing the sentence shall not specify in its sentence the place to which such person shall be sent for the purpose of undergoing the sentence.

Place of transportation not to be specified in sentences.

51. It shall be lawful for the Governor-General of India in Council from time to time to appoint a place or places within British India to which persons sentenced to transportation shall be sent : and the local Government, or some Officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed.

Governor-General in Council to appoint a place or places.

Local Government to direct removal of persons sentenced to such place or places.

52. When sentence of transportation shall be passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the local Government to order the removal of such person from the place in which he is so undergoing transportation.

Execution of sentences of transportation passed on persons already undergoing transportation under a previous sentence.

53. When any person shall be sentenced to death, the sentence shall direct that such person be hanged by the neck till he is dead.

Sentence of death.

54. When any person has been sentenced to punishment for an offence, the Governor-General of India in Council, or the local Government, may, at any time, without conditions, or upon any conditions which such person shall accept, remit

The Governor-General in Council or the local Government may remit a punishment.

remit the whole or any part of the punishment to which he shall have been sentenced.

Party tried upon formal charge not liable to renewed prosecution.

Proviso.

55. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again for the same offence. Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death shall not have resulted, or shall not have been known by the Court which passed sentence to have resulted.

A person charged with criminal breach of trust may be found guilty of theft.

56. If upon the trial of any person charged with the offence of criminal breach of trust under Section 405 of the Indian Penal Code, or of criminal breach of trust as a carrier wharfinger or warehouse-keeper under Section 407 of the said Code, it shall be proved that such person took the property in question in any such manner as to amount to the offence of theft under Section 378 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 378, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said Section 378.

A person charged with criminal breach of trust as a servant may be found guilty of theft, or of theft as a servant.

57. If upon the trial of any person charged with the offence of criminal breach of trust as a clerk or servant under Section 408 of the Indian Penal Code, it shall be proved that such person took the property in question in any such manner as to amount to the offence of theft under Section 378 of the said Code, or the offence of theft as a clerk or servant of property in possession of his master under Section 381 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 378, or Section 381, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

A person charged with theft may be found guilty of misappropriation or breach of trust.

58. If upon the trial of any person charged with the offence of theft under Section 378 of the Indian Penal Code, or the offence of theft in a building tent or vessel under Section 380 of the said Code, it shall be proved that he took the property in question in any such manner as to amount to the offence of dishonest

honest misappropriation of property under Section 403 of the said Code, or the offence of criminal breach of trust under Section 405 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 403, or Section 405, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

A person charged with theft as a servant may be found guilty of misappropriation.

59. If upon the trial of any person charged with the offence of theft as a clerk or servant of property in the possession of his master, under Section 381 of the Indian Penal Code, it shall be proved that he took the property in question in any such manner as to amount to the offence of dishonest misappropriation of property under Section 403 of the said Code, or the offence of dishonest misappropriation of property possessed by a deceased person at the time of his death under Section 404 of the said Code, or of such dishonest misappropriation under the said Section 404 the offender being at the time of the person's decease employed by him as a clerk or servant, or the offence of criminal breach of trust under Section 405 of the said Code, or the offence of criminal breach of trust as a clerk or servant under Section 408 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the offence under the said Section 403, Section 404, Section 405, or Section 408, as the case may be; and thereupon such person shall be liable to be punished, in the same manner as if he had been found guilty upon a charge under such Section.

No person charged under the last four Sections, and found guilty, liable to be charged again.

60. No person charged and tried for an offence under any Section of the Indian Penal Code in the last four Sections of this Act mentioned, and found guilty of another offence under the provisions of any other of the said Sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the Section under which he was charged, or under the Section under which he was found guilty.

Levy of fines.

61. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender

der shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender which may be found within the jurisdiction of the Magistrate of the District.

Magistrate may issue orders to prevent obstructions &c.

62. It shall be lawful for any Magistrate, by a written order, to direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such Magistrate shall consider that such direction is likely to prevent, or tends to prevent, obstruction, annoyance, or injury, or risk of obstruction, annoyance, or injury, to any persons lawfully employed, or is likely to prevent, or tends to prevent, danger to human life, health, or safety, or is likely to prevent, or tends to prevent, a riot or an affray.

Magistrate may prohibit the repetition or continuance of public nuisances.

63. Any Magistrate may enjoin any person not to repeat or continue a public nuisance.

CHAPTER IV.

Of the Summons.

Proceeding to compel appearance.

64. When an offence has been committed, or is supposed to have been committed, the proceeding, in order to compel the person known or suspected to have committed such offence to appear for the purpose of enquiry concerning the same, may be by summons or arrest.

Complaint.

65. A summons or a warrant of arrest may be obtained on a complaint as hereinafter provided.

Examination of complainant.

66. When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made before the Magistrate of the District, or a Magistrate who is authorized to receive such complaint without reference from the Magistrate of the District, such Magistrate shall examine the complainant. The examination shall be reduced into writing, and shall be signed by the complainant, and also by the Magistrate.

Magistrate how to proceed on complaint.

67. The Magistrate before whom such complaint is duly made shall, if it appear to him that there is sufficient ground for proceeding, issue his summons, or in cases in which a warrant may issue, his warrant for causing the person accused to appear before himself

himself or some other Magistrate having jurisdiction. If in the judgment of such Magistrate there be no sufficient ground for proceeding, he shall dismiss the complaint.

Magistrate may take cognizance of offences without complaint made.

68. Except as is otherwise provided in Chapter XI of this Act, the Magistrate of the District, or a Magistrate in charge of a division of a District, may, without any complaint, take cognizance of any offence which may come to his knowledge and may issue a summons, or in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person. The provisions of this Section shall not apply to the offences described in Chapters XIX, XX, and XXI of the Indian Penal Code.

Proviso.

Summons, what it is to contain, and how to be directed.

69. Every summons issued by a Magistrate to an accused person shall be in writing and shall be signed and sealed by such Magistrate, and shall be in the form (A) given in the Appendix or to the like effect.

Summons by whom to be served.

70. A summons shall ordinarily be issued through a Police Officer; but the Magistrate issuing the summons may, if immediate service be necessary and no Police Officer be immediately available, direct the summons to be served by any other person.

Summons how to be served.

71. The summons shall be served on the accused personally, or in case the accused person shall not be found, it may be left for him with some adult male member of his family residing with him.

Mode of service if accused cannot be found, &c.

72. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving Officer shall fix a copy of the summons on some conspicuous part of the house in which the accused person ordinarily resides.

Notwithstanding summons, warrant may issue in certain cases.

73. A Magistrate may, (notwithstanding such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

Summons or warrant when grantable for an offence committed beyond local jurisdiction.

74. The Magistrate of the District or a Magistrate in charge of a division of a District, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

Provisions in this Chapter relating to a summons and its issue applicable to all summonses.

75. The provisions relating to a summons and its issue contained in this Chapter, shall be applicable to every summons issued under this Act.

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Form of warrant.

76. Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the form (B) given in the Appendix, or to the like effect.

Warrants to whom to be directed.

77. A warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing a warrant may, if immediate service be necessary and no Police Officer be immediately available, direct the warrant to any other person.

When directed to any person other than a Police Officer.

78. When a warrant is directed to a person other than a Police Officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

To several persons jointly.

79. A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

Police Officer may endorse warrant to another Officer.

80. A warrant directed to a Police Officer may also be executed by any other Police Officer whose name shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

81.

81. The Magistrate by whom a warrant of arrest is issued, may attend personally for the purpose of seeing that the warrant is duly executed. The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

Magistrate issuing a warrant may personally superintend its execution.

82. Every person is bound to assist a Magistrate or Police Officer demanding his aid in the prevention of a breach of the peace, or in the suppression of a riot or an affray, or in the taking of any other person whom such Magistrate or Police Officer is authorized to arrest.

All persons bound to assist in certain cases.

83. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Where a warrant of a Magistrate must be executed.

84. When any person against whom a warrant is issued by a Magistrate shall escape, go into, or be, in any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place; and if the person against whom the warrant is issued is arrested in such place, the Police Officer, or other person executing the warrant, shall carry him before the Magistrate of the District, or some other Magistrate within whose jurisdiction the arrest was made. If the offence with which the person arrested is charged be bailable, and such person shall be willing and ready to give bail for his appearance before the Magistrate by whom the warrant was issued, the Magistrate before whom such person is brought, shall take bail of such person for his appearance accordingly, and shall release him from custody, and forward the recognizance or other bail-bond to the Magistrate by whom the warrant was issued. If the offence be not bailable, or if the person arrested be unable to find bail, he shall be forwarded to the Magistrate by whom the warrant was issued. If the arrest be made within the local limits of the jurisdiction of a Supreme Court of Judicature, the person accused, when arrested, shall be taken before the Chief Commissioner of Police, or a Police Magistrate. Such Chief Commissioner or Police Magistrate shall forward the person arrested to the Magistrate by whom the warrant was issued, or if the offence with which the person arrested is charged be bailable, shall admit him to bail, and shall forward the recognizance or other bail-bond to such Magistrate.

Warrant executed in another jurisdiction.

If arrest be made within jurisdiction of a Supreme Court.

85.

If arrest be made within 20 miles, person arrested may be carried before the Magistrate who issued the warrant.

85. If the place of arrest, under the last preceding Section, be within twenty miles from the place at which the warrant was issued, the person arrested may be carried, in the first instance, before the Magistrate who issued the warrant.

Warrant to be endorsed may be sent by post.

86. It shall be competent to a Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, to direct the warrant to the Magistrate of the District in which such person is, or is supposed to be, and to transmit the same by post. On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had been originally issued by himself. If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed the warrant, and shall be dealt with by such Magistrate as provided in Section 84 of this Act.

Warrants for execution within limits of Supreme Court to be addressed to Chief Commissioner or Magistrate of Police.

87. A warrant issued under the last preceding Section for execution within the local limits of a Supreme Court of Judicature, shall be directed to the Chief Commissioner of Police or to a Police Magistrate, who shall proceed in the manner provided in Section 84 of this Act.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

88. On the arrest of a person for whose apprehension a warrant has been issued under the provisions of Section 74 of this Act, in respect of an offence known or suspected to have been committed in another District or division of a District, the Magistrate who issued the warrant shall, unless he is authorized to complete the enquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable. When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the Sudder Court.

Subordinate Magistrate how to proceed in such cases.

89. If the arrest was made under a warrant issued under Section 74 of this Act by a Magistrate subordinate to the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence

offence is suspected to have been committed, shall issue his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police Officer or other person executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued. If the offence of which the person arrested is suspected, shall have been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under Section 74 of this Act, shall send the person arrested to the Magistrate in charge of the division in which the offence was committed.

Notification of substance of warrant.

90. A Police Officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

Warrant how to be executed.

91. In making an arrest, the Police Officer or other person executing the warrant, shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting an endeavour to arrest.

92. If a person against whom a warrant of arrest is issued, shall forcibly resist the endeavour to arrest him, it shall be lawful for the Police Officer or other person executing the warrant, to use all such means as may be necessary to effect the arrest.

Search of house entered into by person against whom warrant has been issued.

93. If there is reason to believe that any person, against whom a warrant has been issued, has entered into, or is within any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer or other person executing the warrant, to allow such Police Officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Breaking of outer door or window.

94. The Police Officer or other person authorized by warrant to arrest a person, may break open any outer or inner door or window of any house or place, whether that of the person accused, or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open a zenanah or female apartment.

95. If information be received that a person accused of any offence, for which a warrant may issue, is concealed in a zenanah or apartment in the actual occupancy of a woman who, according

according to the customs of the country, does not appear in public, the Police Officer or other person employed to execute the warrant, shall take such precautions as may be necessary to prevent the escape of the accused person, and if the accused person shall not deliver himself up, the Police Officer or other person authorized to execute the warrant may, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance, break open such zenanah or apartment, and execute the process intrusted to him; first giving notice to any woman as aforesaid in such zenanah or apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and affording her every reasonable facility for withdrawing.

No unnecessary restraint.

96. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Party arrested to be brought immediately before the Magistrate.

97. The Officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.

No threat, promise, or caution, as to disclosure by party arrested.

98. No Police Officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

Provisions in this Chapter relating to a warrant and its issue applicable to all warrants.

99. The provisions relating to a warrant and its issue contained in this Chapter, shall be applicable to every warrant issued under this Act.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

Police Officer may arrest without warrant in certain cases.

100. A Police Officer in the cases hereinafter mentioned may, without orders from a Magistrate and without a warrant, arrest—

First.—Any person who in the sight of such Police Officer shall commit an offence specified in Column 3 of the Schedule annexed to this Act, as an offence for which Police Officers may arrest without a warrant.

Secondly.

Secondly.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

Thirdly.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

Fourthly—Any person who is a proclaimed offender.

Fifthly.—Any person who is found with stolen property in his possession.

Sixthly.—Any person who shall obstruct a Police Officer while in the execution of his duty.

Vagabonds.

101. An Officer in charge of a Police Station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such Station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, or any person who is a reputed robber, housebreaker, thief, receiver of stolen property knowing it to be stolen, or who is of notoriously bad livelihood.

Police may interfere to prevent offences.

102. It shall be the duty of every Police Officer to prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in Column 3 of the Schedule annexed to this Act as an offence for which Police Officers may arrest without a warrant.

Information to be communicated.

103. It shall be the duty of a Police Officer who shall receive information of a design to commit any such offence, to communicate such information to the Police Officer to whom he is subordinate, and to any other Officer whom it may concern to prevent or take cognizance of the commission of any such offence.

May arrest to prevent offences.

104. A Police Officer, knowing of a design to commit any such offence as aforesaid, may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

Injury to public property.

105. A Police Officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank,

tank, well, or water-channel, or to prevent the removal or injury of any public land-mark or buoy, or other mark used for navigation.

Person in charge of house entered into by another of whom Police Officer is in search to allow ingress, &c.

106. If there is reason to believe that any person liable to arrest under this Chapter without a warrant, of whom a Police Officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police Officer, to allow ingress thereto, and all reasonable facilities for a search therein.

Procedure if ingress be not obtained.

107. If ingress to such house or place cannot be obtained under the last preceding Section, the Police Officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested and send immediate information to a Magistrate. If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police Officer may make an entry into such house or place and search therein.

Person charged with an offence refusing to give his name and residence.

108. Any person who is known or suspected to have committed an offence for which a Police Officer is not authorized to arrest without a warrant, and who shall refuse on demand of a Police Officer to give his name and residence, or shall give a name or residence which there is reason to believe to be false, may be detained by such Police Officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

Party arrested to be taken immediately before the proper authority.

109. A Police Officer having made an arrest under this Chapter, shall take or send the person arrested without unnecessary delay before the Magistrate who has jurisdiction in the case, or before the Officer in charge of a Police Station.

Arrest for an offence committed in the presence of a Magistrate.

110. When any offence is committed in the presence of a Magistrate, such Magistrate may order any person to arrest the offender, and may thereupon commit him to custody, or, if the offence is bailable, may admit him to bail.

Unlawful assembly to disperse on the order of a Magistrate &c.

111. A Magistrate or Officer in charge of a Police Station may command an unlawful assembly to disperse, and it shall thereupon be the duty of the members of such unlawful assembly to disperse accordingly.

CHAPTER VII.

CHAPTER VII.

Of Escape and re-taking.

Person arresting may re-take on escape and deal with the party arrested as on original taking.

112. If a person lawfully arrested under the provisions of this Act shall escape, or be rescued, it shall be lawful for the Police Officer or other person from whose custody the person so arrested shall have escaped, or have been rescued, to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and to deal with such person as such Police Officer or other person might have done on an original taking.

May adopt the same measures as on original taking.

113. In order to re-take any person, as provided in the last preceding Section, the Police Officer or other person making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

CHAPTER VIII.

Of Search Warrant.

When grantable by a Magistrate.

114. When a Magistrate shall consider that the production of any thing is essential to the conduct of an enquiry into an offence known or suspected to have been committed, he may grant his warrant to search for such thing; and it shall be lawful for the Officer charged with the execution of such warrant to search for such thing in any house or place within the jurisdiction of such Magistrate. In such case the Magistrate may specify in his warrant the house or place, or part thereof, to which only the search shall extend.

How to be directed.

115. A search warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing the search warrant may, if immediate search is necessary, and no Police Officer be immediately available, direct the warrant to any other person.

A warrant to a Police Officer may be executed by another.

116. A search warrant directed to an Officer in charge of a Police Station may, if such Officer is not able to proceed in person, be executed by any Officer subordinate to such Officer. In such case the name of such subordinate Officer shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

How to be executed out of jurisdiction of the Magistrate.

117. When it shall be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name on the warrant, which shall be sufficient authority for the Police Officer charged with the execution of such warrant to execute the same within the said jurisdiction, or the search warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and such Magistrate shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

Search warrants may in cases of emergency be executed without endorsement.

118. In any case in which there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed, will prevent the discovery of the thing for which search is to be made, the Police Officer charged with the execution of the search warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose jurisdiction that place is situate. If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found, and who, unless there be good cause to the contrary, shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

Thing found to be taken immediately to the Magistrate within whose jurisdiction it is found.

Procedure in such cases within local limits of Supreme Court.

119. If the thing searched for be found within the local limits of a Supreme Court of Judicature, it shall be taken to the Chief Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in the last preceding Section.

Magistrate may, when necessary, issue search warrant to be executed in the jurisdiction of another Magistrate.

120. In any case in which it may appear necessary, a Magistrate may, by the warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made. When a Magistrate issues a warrant under this Section, he shall inform the Magistrate within whose jurisdiction the house or place to be searched is situate, or if the house or place be situate within the local limits of any Supreme Court

Court of Judicature, he shall inform the Chief Commissioner of Police of the issue of such warrant.

Magistrate may send search warrant by post to the Magistrate of another District.

121. It shall be competent to a Magistrate issuing a warrant for the search of any house or place out of the jurisdiction of the Magistrate of the District, to direct the warrant to the Magistrate of the District in which such house or place is situate, and to transmit the same by post. On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name on the warrant and enforce its execution in the same manner as if the warrant had been originally issued by himself. If the warrant is to be executed within the local limits of any Supreme Court of Judicature, it shall be addressed to the Chief Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in Sections 118 and 119 of this Act.

Procedure to be observed by such Magistrate.

Persons in charge of dwelling house, &c., to allow the search.

122. If the house or place to be searched is closed, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Officer or other person executing the warrant, to allow such Officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Place to be searched may be broken open.

123. A Police Officer, or other person authorized by a warrant to search any house or place, may break open any outer or inner door or window of the house or place, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of zenanah or female apartment.

124. If the place ordered to be searched is a zenanah or apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Officer or other person charged with the execution of the warrant shall give notice to such woman in such zenanah or apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw, and, after giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such Officer or other person may enter such zenanah or apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

125.

125. The search of any house or place under this Chapter shall be made in the presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but such persons shall not be required to attend the Court of the Magistrate as witnesses unless specially summoned by such Magistrate. The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Search of house &c. to be made in the presence of witnesses.

Occupant of the place searched may attend.

126. In any case in which it shall be necessary to cause a female to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching females.

127. If the Magistrate of the District or a Magistrate in charge of a division of a District, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government Stamps or counterfeit coin, or instruments or materials for counterfeiting coin or for forging, or that any forged documents or counterfeit stamps or false seals or any counterfeit coin or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place, he may by his warrant authorize any Police Officer above the rank of a constable, peon, or burkundaz to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as shall be specified in the warrant, and to seize and take possession of any stolen property, documents, stamps, seals, or coins therein found which he may reasonably suspect to be forged, stolen, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Search of house, &c., suspected to contain forged documents, &c.

128. The Magistrate by whom a search warrant is issued, may attend personally for the purpose of seeing that the warrant is duly executed. The Magistrate may also direct a search to be made in his presence of any house or place, for the search of which he is competent to issue a search warrant.

Magistrate may attend personally

129. An Officer in charge of a Police Station may, without a warrant, enter any shop or premises within the limits of such Station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he

Inspection of weights and measures used in shops.

he shall have reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false. If such Police Officer shall find in such shop or premises any weights, measures, or instruments that are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

Procedure by Police Officer upon seizure of stolen property found on an offender.

130. The seizure by any Police Officer of property alleged or suspected to have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to the Magistrate of the District, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

Procedure if such property be unclaimed.

131. When any such property shall be unclaimed, the Magistrate of the District may detain the same and shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim to the property to appear and establish his claim thereto within six months from the date of such proclamation.

Procedure if no claimant appear within six months from date of proclamation.

132. If no person shall, within the period allowed, claim such property, and if the person in whose possession such property was found shall be unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District.

CHAPTER IX.

PRELIMINARY ENQUIRY BY THE POLICE.

Police Officers to make enquiry into certain offences only when directed to do so by Magistrate.

133. No Police Officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in Column 3 of the Schedule annexed to this Act, as offences for which a Police Officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under the Indian Penal Code or under any special or local law.

134.

134. Nothing in the last preceding Section shall be held to interfere with the exercise of any powers which are vested in a Police Officer by any special or local law, or with the performance of any duty which is imposed upon a Police Officer by any such special or local law.

Saving of powers vested in Police Officers by any special or local law.

135. Upon complaint or information being preferred to an Officer in charge of a Police Station of the commission within the limits of such Station of any of the offences specified in Column 3 of the Schedule annexed to this Act, as offences for which Police Officers may arrest without warrant, he shall send immediate intimation to the Magistrate having jurisdiction, and shall proceed in person, or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender. Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an Officer exercising any of the powers of a Magistrate, to proceed to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.

Upon complaint preferred, Officer in charge of Police Station to proceed in person or depute a subordinate Officer to make enquiry.

136. Provided that when any complaint is made against any person by name, and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police Station to proceed in person or to depute a subordinate Officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.

Except in cases not of a serious nature where local enquiry not necessary.

137. If on any complaint or information being preferred to an Officer in charge of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from proceeding in the case and shall report the substance of the complaint or information for the orders of the Magistrate.

If Officer in charge of Police Station see no sufficient ground for an enquiry.

138. It shall be the duty of every person who is aware of the commission of any offence made punishable under Section 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459, or 460, of the Indian Penal Code, to give information of the same to the nearest Police Officer, whenever he shall have reason to believe

All persons to give information of offences.

lieve that, if such information be withheld, the person who committed the offence may not be brought to justice, or may have his escape facilitated.

Complaint, &c., to be in writing.

139. Every complaint or information preferred to an Officer in charge of a Police Station, shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such Officer, in such form as shall be prescribed by the local Government.

Procedure when a Police Officer deputes another.

140. When any Officer in charge of a Police Station requires any Officer, subordinate to him, to make without a warrant an arrest which may lawfully be made by such Officer without a warrant, he shall deliver to the Police Officer required to make such arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

Police may pursue offenders into other jurisdictions.

141. It shall be lawful for a Police Officer to pursue, with a view to arrest, any person accused of any of the offences specified in Column 3 of the Schedule annexed to this Act, as offences for which Police Officers may arrest without a warrant, into the limits of another Police Officer, whether subordinate to the same Magistrate as himself, or to the Magistrate of any other District, and whether such place be under the same local Government or not.

Issue of search warrants by Officer in charge of Police Station.

142. Whenever an Officer in charge of a Police Station shall consider that the production of any thing is essential to the conduct of an enquiry into any offence which he is authorized to investigate, it shall be lawful for him to search or cause a search to be made for the same, in any house or place within the limits of such Station. In such case, the Officer in charge of the Police Station shall, if practicable, conduct the search for such thing in person. If unable to conduct the search in person, and there is no other person competent to make the search present at the time, it shall be lawful for the Officer in charge of the Police Station to require any Officer subordinate to him to make the search, and he shall deliver to such Officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and it shall thereupon be lawful for such Subordinate Officer to search for such property in such house or place. The provisions of Sections 122, 123, 124, and 125 of this Act relating to search warrants, shall be applicable to a search made by or under the direction of an Officer in charge of a Police Station under this Section.

143.

143. An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which he might cause such search to be made within the limits of his own Station.

When one Officer of a Police Station may require another to issue a search warrant.

144. An Officer in charge of a Police Station may, by an order in writing, require the attendance before himself of any person being within the limits of his Station, who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under Section 135 of this Act and such person shall be bound to obey such requisition.

Witnesses to be summoned.

145. It shall be lawful for an Officer in charge of a Police Station or other Police Officer making an enquiry, to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case. Nothing in this Section shall preclude such Police Officer from reducing into writing any statement made by the person so examined. Provided that any statement so reduced into writing shall not be signed by the person making it, nor shall it be treated as part of the record or used as evidence.

Oral examination of witnesses by Police.

Proviso.

146. No Police Officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

No inducement to be offered to accused person to confess.

147. No Police Officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence. Provided that nothing in this Section shall preclude any Police Officer from reducing any such statement or admission or confession into writing for his own information or guidance.

Police Officer not to record confession.

Proviso.

148. No confession or admission of guilt made to a Police Officer, shall be used as evidence against a person accused of any offence.

Confession made to a Police Officer shall not be used as evidence.

149. No confession or admission of guilt made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be used as evidence against such person.

Confession made while the accused is in custody of the Police shall not be used as evidence.

150. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact discovered by it, may be received in evidence.

Police Officer may give in evidence so much of any statement or confession made by the accused as relates distinctly to a fact thereby discovered.

151. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the Officer in charge of the Police Station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence; and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate. When any Subordinate Police Officer has made any enquiry under this Chapter, he may be required by the Officer in charge of the Police Station to submit a report of such enquiry to him, or may do so without such instructions, and the Officer in charge of the Police Station shall then proceed as if he had made the enquiry himself.

Enquiry by the Police.

152. No Police Officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable: such period in no case to exceed twenty-four hours. If the enquiry has not been completed within twenty-four hours, the Officer in charge of the Police Station shall, nevertheless, forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested, if there are grounds for believing that the accusation is well founded.

Accused not to be detained by the Police beyond 24 hours without special authority.

153. If it shall appear to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Police how to proceed in cases of deficient evidence.

154. A Police Officer making an enquiry under this Chapter, shall day by day enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry, and shall forward day by day a copy of such diary to the District Superintendent

Daily record of proceedings.

Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he shall consider it to be important that such Magistrate shall know. The Magistrate of the District shall be entitled to call for and inspect such diary. In cases where there is no District Superintendent of Police, the Police Officer shall forward day by day a copy of the diary to the Magistrate of the District. Such diary shall not be evidence of the facts stated therein, except against the Police Officer who made it.

Report of Police Officer of what to consist.

155. The enquiry shall be completed without unnecessary delay, and as soon as it is completed, the Police Officer making the enquiry shall forward to the Magistrate a report in such form as shall be prescribed by the local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also transmit any weapon or article which it may be necessary to produce before the Magistrate. The Police Officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance. If the accused person be detained in custody, he shall state the fact and the cause of his detention.

Bail.

156. A person accused of any offence entered as not bailable in Column 5 of the Schedule annexed to this Act, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him. But a person accused of any other offence shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

Bail not to be excessive. Terms of security.

157. The bail to be taken under the last preceding Section shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person, before the Magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

158. Every prosecutor and witness, whose attendance before the Magistrate may be deemed necessary by the Police Officer making the enquiry, shall execute a recognizance in the form (E) given in the Appendix, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day, which shall be the day whereon the accused person is to

appear

appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate if he is to be forwarded in custody. The Officer in whose presence the recognizance is executed, shall forward it with his report to the Magistrate, and shall deliver to the prosecutor and witnesses a duplicate of the despatch. The prosecutor or witnesses, unaccompanied by any Police Officer, shall be required to deliver in person such duplicate to the Magistrate.

Prosecutors and witnesses not to be subjected to restraint.

Recusant prosecutor or witness may be forwarded in custody.

159. A Police Officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend, or to execute the recognizance directed in the last preceding Section, it shall be competent to the Officer in charge of a Police Station to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody, until he shall execute such recognizance, or until the hearing before the Magistrate.

Police to report all apprehensions.

160. Officers in charge of Police Stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective Stations, whether such persons shall have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of a Magistrate.

Police to make immediate enquiry and report on unnatural and sudden deaths.

161. It shall be the duty of the Officer in charge of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to give intimation to the nearest Magistrate, and to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report shall be signed by such Police Officer and other persons or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate. When there may be any doubt regarding the cause of death, such Police Officer shall forward the body with a view to its being examined by the Civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay,

bay, it shall be the duty of the Head of the Village in like manner to make the enquiry and report as aforesaid.

By whom the powers of the Officer in charge of Police Station may be exercised in his absence or illness.

162. The powers to be exercised by an Officer in charge of a Police Station under this Chapter, shall be exercised in the event of his absence or illness by the Police Officer next in rank present at the Police Station, above the rank of a constable, peon, or burkundaz.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Procedure in certain cases of contempt.

163. When any such offence as is described in Section 175, 178, 179, 180, or 228 of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, it shall be competent to such Court to cause the offender, whether he be a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day to take cognizance of the offence; and to adjudge the offender to punishment by fine not exceeding two hundred Rupees, or by imprisonment in the Civil Jail for a period not exceeding one month, unless such fine be sooner paid. In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence. If the Court, in any case, shall consider that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred Rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace. If the case be forwarded to a Magistrate, such Magistrate shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and it shall be competent to such Magistrate to adjudge such offender to punishment, as provided in the Section of the Indian Penal Code under which he is charged. If the case be forwarded to a Justice of the Peace, such Justice of the Peace shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by the Statute 53

George

George III, c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender in the same manner as is provided in that behalf in the said Statute. If such Justice of the Peace shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature. In no case tried under this Section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred Rupees for any contempt committed in his own presence against his own Court.

Discharge of an offender on his submission.

164. When any person has been sentenced to punishment, or forwarded to a Magistrate or Justice of the Peace for trial, under the last preceding Section, for refusing or omitting to do anything which he was lawfully required to do, it shall be competent to the Court to discharge the offender, or to remit the punishment, on the submission of the offender to the order or requisition of such Court.

Procedure in all except certain cases when the offender is a European British subject.

165. When any such offence as is described in Chapter X of the Indian Penal Code, except Sections 175, 178, 179, and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court by a European British subject, such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by the Statute 53 George III. c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender on conviction in the same manner as is provided in that behalf in the said Statute. If such Magistrate shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature.

CHAPTER XI.

Prosecutions in certain cases.

Prosecutions for certain offences not to be instituted, but under authority of Government or of a duly empowered Officer.

166. A charge of an offence punishable under Chapter VI of the Indian Penal Code, except Section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor-General of India in Council, or the local Government, or some Officer empowered by the Governor-General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

167.

Prosecution against Judges, &c.

167. A charge of an offence punishable under the Indian Penal Code, of which any Judge or any public servant not removable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the local Government, or of some Officer empowered by the local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the local Government shall not think fit to limit or reserve.

Prosecution for certain offences under Chapter X of the Penal Code not to be instituted, but with the sanction of the public servants concerned.

168. A charge of a contempt of the lawful authority of any Court or public servant, or of any other offence against a public servant as such, described in Chapter X of the Indian Penal Code, not falling within Section 163 of this Act, shall not be entertained in any Criminal Court, except with the sanction or on the complaint of the Court or public servant concerned, or, if such servant is an inferior ministerial servant, with the sanction or on the complaint of his official superior. The prohibition contained in this Section shall not apply to the offences described in Sections 189 and 190 of the Indian Penal Code.

Prosecution for certain offences against public justice not to be instituted but with sanction of the authority before which the offence was committed.

169. A charge of an offence against public justice, described in Section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211, or 228, of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Civil or Criminal Court before or against which the offence was committed, or of some other Court to which such Court is subordinate. Such sanction may be given at any time.

Prosecution for certain offences relating to documents, not to be instituted but with the sanction of the Court in which such documents were given in evidence.

170. A charge of an offence relating to documents described in Section 463, 471, 475, or 476, of the Indian Penal Code, when the document shall have been given in evidence in any proceedings in any Court, Civil or Criminal, shall not be entertained in any Criminal Court against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate. Such sanction may be given at any time.

171. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding Sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial the accused person for the offence charged, and such Magistrate shall thereupon proceed according to law, and the Court shall have power to send the accused person in custody or to take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such investigation.

Mode of proceeding in cases mentioned in the last three preceding Sections.

172. It shall be competent to a Court of Session to charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and to commit or hold to bail and to try such person upon its own charge. In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence which is vested in a Magistrate by this Act. Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

Power of Court of Session in respect of such offences committed before it.

173. In any case triable by the Court of Session exclusively, it shall be lawful for any Court of Civil Judicature before which any such offence was committed, instead of sending the case for investigation to a Magistrate, to complete the investigation itself, and to commit or hold to bail the accused person to take his trial before the Court of Session.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

174. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall transmit the same with the order of commitment and the record of the case to the Magistrate of the District or other Officer exercising any of the powers of a Magistrate, and such Magistrate or other Officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

Procedure by Civil Court in such cases.

175. Whenever any Court of Session or Civil Court shall commit or hold to bail any person for trial under the last three preceding Sections, such Court may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

Court of Session or Civil Court may exercise all the powers of a Magistrate as to binding over persons to give evidence.

176.

176. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, such Magistrate shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he may think proper.

Magistrates not empowered to commit, to send the case to Magistrate competent to do so.

Prosecution for adultery not to be instituted except by the husband.

177. A charge of an offence under Section 497 of the Indian Penal Code shall not be instituted except by the husband of the woman.

Prosecution for enticing away a married woman not to be instituted except by husband or person in charge of the woman.

178. A charge of an offence under Section 498 of the Indian Penal Code, shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

CHAPTER XII.

OF PRELIMINARY ENQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE COURT OF SESSION.

179. When a complaint is made before a Magistrate that any person has committed, or is suspected to have committed, any of the offences specified in Column 7 of the Schedule annexed to this Act as triable exclusively by the Court of Session, or which in the opinion of such Magistrate ought to be tried by the Court of Session, it shall be lawful for such Magistrate to issue his warrant to apprehend such person. Provided that in any such case the Magistrate to whom such complaint is made may, if he shall think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, issue his summons requiring him to appear to answer to such complaint,

Magistrate may issue his warrant.

May issue a summons instead of a warrant.

180. If the Magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the person complained against, and direct a previous enquiry to be made into the truth of the complaint, either by means of any Officer subordinate to such Magistrate, or of a local Police Officer, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complaint. If such enquiry is made by means of some person other than an Officer exercising any of the powers of a Magistrate or a Police Officer, such person

Postponement of issue of process.

May dismiss the complaint.

person shall exercise all the powers vested by this Act in an Officer in charge of a Police Station, except that he shall have no power to make an arrest. Nothing contained in this Section shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

181. It shall be in the discretion of the Magistrate in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct by endorsement on the warrant that, if such person be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the Officer to whom the warrant is directed shall accept such bail, and shall release the person from custody. In the event of bail being given, the Officer shall forward the bail-bond to the Magistrate.

Magistrate may dispense with the personal attendance of the accused.

182. The Magistrate may, if he see sufficient cause, dispense with the personal attendance of the accused person, and permit him to appear by an agent duly authorized to act in his behalf. But it shall be in the discretion of the Magistrate, at any stage of the proceedings, to direct the personal attendance of the accused person.

Proclamation for an absconding party.

183. If any person accused of an offence absconds or conceals himself, so that upon a warrant issued against him he cannot be found, the Magistrate shall, if satisfied that such person absconds or conceals himself for the purpose of avoiding the service of the warrant, issue a written proclamation, requiring such person to appear to answer the complaint within a fixed period not less than thirty days. The proclamation shall be publicly read in some conspicuous place of the town or village in which such person usually resides, and shall be affixed on some conspicuous part of the ordinary place of abode of such person, or on some conspicuous place of such town or village. A copy of the proclamation shall also be affixed on some conspicuous part of the Court-house of the Magistrate.

Attachment of the property of absconding party.

184. The Magistrate may, at the same time, order the attachment of any moveable or immoveable property belonging to the person absconding or concealing himself. Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property

perty in the jurisdiction of any Magistrate by whom such order is endorsed. The attachment under this Section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases by seizure under the order of the Magistrate or by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as the Magistrate shall deem proper. If the absent person shall not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six calendar months, unless such property is of a perishable nature, or it shall be considered by the Magistrate that the sale would be for the benefit of the owner.

Restoration of property declared to be forfeited.

185. When any person whose property shall have been declared to be at the disposal of Government under the last preceding Section shall, within two years after the attachment of the property, surrender himself, and shall upon trial before a competent Court, prove to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of evading justice, such property, or if the same shall have been sold the proceeds thereof, shall be restored to him.

Summons to a witness to attend and give evidence.

186. The Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and who are likely to give evidence for the prosecution, and shall issue his summons to such persons, requiring them to appear at a time and place mentioned in the summons before such Magistrate to testify what they know concerning the complaint made against the accused person.

Form of summons to the witness, and mode of service thereof.

187. Every summons issued by a Magistrate under the last preceding Section, shall be served personally on the witness, or if the witness be not found may be left for him with some adult male member of his family residing with him.

In what cases warrant in the first instance.

188. If the Magistrate shall see reason to believe that such witness will not attend to give evidence without being compelled to do so, it shall be lawful for such Magistrate, instead of issuing a summons, to issue his warrant in the first instance.

189.

189. If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, the Magistrate may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode, and if such witness shall not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he shall deem reasonable, not being in excess of the amount of costs of attachment and of any fine to which such witness may be liable under the provisions of the following Section. Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed.

If warrant cannot be served.

190. If the witness shall appear and satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he shall deem fit. If such witness shall not appear, or appearing, shall fail to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not such notice of the proclamation as aforesaid, it shall be lawful for the Magistrate to order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Magistrate may impose upon such witness under the provisions of Section 172 of the Indian Penal Code. If the witness shall pay to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

If on attachment witness appear and satisfy Magistrate, his property to be released from attachment.

If he do not appear or satisfy Magistrate, property to be sold.

191. If any person summoned to give evidence, shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, it shall be lawful for the Magistrate, upon proof of the summons having been duly served, to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid.

If he do not obey the summons, then warrant.

192.

192. If any person summoned or brought before a Magistrate, shall refuse to answer such questions as shall be put to him, without offering any just excuse for such refusal, the Magistrate may, by warrant, under his hand and seal, commit the person refusing, to custody for any term not exceeding seven days, unless he shall, in the meantime, consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 163 of this Act.

Refusing to answer, may be committed to custody.

193. The Magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances.

Examination of the complainant and witnesses for the prosecution.

194. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his Agent when his personal attendance is dispensed with and he appears by Agent. The accused or his Agent shall be permitted to cross-examine the complainant and his witnesses.

To be in the presence of the accused who may cross-examine.

195. The evidence of each witness shall be taken down in writing in the language in ordinary use in the District in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, and shall be signed by the Magistrate. When the evidence of a witness is given in English, the Magistrate may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the District in which the Court is held, shall form part of the record. In cases in which the evidence is not taken down in writing by the Magistrate, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

Mode and language in which the evidence is to be recorded.

196. It shall be competent to the local Government to direct that in any District or part of a District to which this Act shall extend, or shall hereafter be extended under the provisions of Section 445 of this Act, the evidence of witnesses shall be taken down by the Magistrate with his own hand in the vernacular language of the Magistrate, unless the Magistrate be prevented by any sufficient

Local Government may direct the evidence to be recorded in the vernacular language of the Magistrate.

sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court. The evidence so taken down shall be signed by the Magistrate, and form part of the record.

Proviso.

Provided that, if the vernacular language of the Magistrate be not English or the language in ordinary use in the District in which the Court is held, the Magistrate may be directed by the local Government to take down the evidence in the English language or in the language in ordinary use in the District in which the Court is held, instead of his own vernacular.

Local Government to decide what is the language in ordinary use in any District.

197. If any question shall arise as to what is the language in ordinary use in any District in which a Court is held, that question shall, for the purposes of this Act, be determined by the local Government.

How the evidence is to be recorded.

198. The evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative. It shall be in the discretion of the Magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor, or a person accused, or his Counsel or Agent, shall require it. When the evidence is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his Agent when his personal attendance is dispensed with and he appears by Agent, and shall, if necessary, be corrected. If the witness shall deny the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he may think necessary. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

Memorandum to be attached to the evidence.

199. A memorandum to be signed by the Magistrate shall be attached to the evidence of each witness, and shall state that the evidence was read over to the witness in a language which he understood (naming the language), and if the fact is so, that the witness acknowledged such evidence to be correct. When the evidence is not taken down by the Magistrate with his own hand, the memorandum shall further state that the evidence was taken down in the presence and hearing of the Magistrate, and under his personal direction and superintendence.

200.

In what cases evidence to be interpreted to the accused or his Agent.

200. If the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where the accused is present in person. If the accused person appears by Agent, and the evidence is given in a language other than the language in ordinary use in the District in which the Court is held, it shall be interpreted to such Agent in that language.

Power of Magistrate at any stage to summon and examine any person.

201. It shall be in the discretion of the Magistrate at any stage of the proceedings to summon and examine any person, whose evidence he may consider essential to the enquiry.

Examination of defendant.

202. It shall be in the discretion of the Magistrate, from time to time, at any stage of the enquiry, to examine the accused person, and to put such questions to him as he may consider necessary. It shall be in the option of the accused person to answer such questions.

No influence to be used to induce disclosures.

Magistrate how to proceed in case of confession.

203. No influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge; but if the accused person shall, of his own accord, propose to confess the commission by him of the offence of which he is accused, the Magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon in the same manner as if he were a witness.

Accused person not to be sworn.

204. No oath or affirmation shall be administered to the accused person.

Examination of the accused how to be recorded.

205. The examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

Any person attending may be detained for any offence committed by him.

206. Any person attending the Court of the Magistrate, although not upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a charge made.

Discretionary with the Magistrate to take evidence for the defence.

207. It shall be at the discretion of the Magistrate to summon any witness who may be offered in behalf of the accused person to answer or disprove the evidence against him.

Witnesses for the defence.

208. The provisions of Sections 187, 188, 189, 190, 191, and 192 of this Act, shall be applicable to witnesses named in support of the defence.

Magistrate may tender a pardon in certain cases.

209. It shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, recording his reason for so doing, to tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in Column 7 of the Schedule annexed to this Act as triable by the Court of Session, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof. If any person shall accept a tender of pardon under this Section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses. Such person, if not on bail, may, if the Magistrate or other Officer as aforesaid shall think proper, be detained in custody pending the termination of the trial.

When Sudder Court or Court of Session may direct a tender of pardon.

210. It shall be competent to a Court of Session at the time of trial, and also to the Sudder Court as a Court of reference, in cases tried with the aid of Assessors, to instruct the Magistrate in like manner to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to any such offence, with the view of obtaining his or their evidence on the trial.

When Sudder Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

211. If it shall appear to a Court of Session at the time of trial, or to the Sudder Court as a Court of reference, that any person who shall have accepted an offer of pardon, has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing any thing essential,

essential, or by giving false evidence or information, it shall be competent to such Court to direct the commitment of such person for trial for the offence in respect of which the pardon was tendered.

Bail not to be taken for certain offences.

212. When any person shall appear or be brought before a Magistrate accused of any offence entered as not bailable in Column 5 of the Schedule annexed to this Act, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the Magistrate, not be such as to raise a strong presumption of the guilt of the accused person and to require his committal, or such evidence shall be adduced on behalf of the accused person as shall, in the opinion of the Magistrate, weaken the presumption of his guilt, but there shall appear to the Magistrate in either of such cases to be sufficient ground for further enquiry into his guilt, the accused person shall be admitted to bail pending such enquiry.

When may be taken.

When bail shall be taken.

213. When any person shall appear or be brought before a Magistrate accused of any of the offences specified in Column 5 of the Schedule annexed to this Act, as bailable, he shall be admitted to bail.

Recognizance of accused and sureties.

214. When a Magistrate shall admit to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate may think sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and if required, shall appear when called upon at the Court of Session to answer the charge.

Insufficient bail.

215. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and in default, may be committed to prison.

Bail may be taken at any time before conviction.

216. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Discharge on bail.

217. After the recognizances shall have been duly entered into, the Magistrate, in case the accused person shall have appeared voluntarily, or shall be in the custody of some Officer,

Officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

Discharge of sureties.

218. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements. On such an application being made, the Magistrate shall issue his warrant, directing that such person be brought before him. On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and in default, may order him to be committed to prison.

Proceedings to compel payment of penalty by accused.

219. Whenever by reason of default of appearance of the person executing the personal recognizance, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District.

Proceedings to compel payment of penalty by sureties.

220. Whenever by reason of default of appearance by the person bailed, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any moveable property belonging to such surety or sureties which may be found within the jurisdiction of the Magistrate of the District, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

In what cases the powers given by the last two Sections may be exercised.

221. The powers given by the last two preceding Sections may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail.

222.

222. Every warrant for the commitment of a person to custody shall be directed to some jailor, or other Officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the Appendix, or to the like effect.

Warrant of commitment how to be directed, &c.

223. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not in the jail, with his deputy. If the jailor has no deputy, the warrant may be lodged with any Officer of the jail then being in the jail.

With whom to be lodged.

224. If from the absence of a witness or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination, of witnesses, it shall be lawful for the Magistrate by a written order, from time to time, to adjourn the enquiry, and to remand the accused person for such time as shall be deemed reasonable, not exceeding fifteen days; provided that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

When Magistrate may adjourn the enquiry.

225. When a Magistrate finds that there are not sufficient grounds for committing the accused person to take his trial before the Court of Session or for remanding him, he shall discharge him, unless it shall appear to the Magistrate that such person should be put on his trial before himself, in which case he shall proceed under Chapter XIV of this Act.

When accused person to be discharged.

226. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused person of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the Magistrate, is one that ought to be tried by the Court of Session, the accused person shall be sent for trial by the Magistrate before the Court of Session. If the Magistrate is a Justice of the Peace and the accused person is a European British subject, he shall be sent for trial before the Supreme Court of Judicature.

When defendant to be committed for trial.

227. As soon as the charge on which the accused person is to be tried, has been prepared as hereinafter directed, it shall be read to him, and a copy or translation of it shall be furnished to him, if he require it. The accused person shall be required at once to

Copy of charge to be furnished to accused person.

Witnesses for the defence on the trial.

to give in orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or Supreme Court. It shall be in the discretion of the Magistrate to allow the accused person to give in any further list of witnesses at a subsequent time. The Magistrate shall receive the list, and summon the witnesses to appear before the Court before which the accused person is to be tried. The provisions of Sections 187, 188, 189, 190, 191, and 192, so far as they relate to the attendance of witnesses, shall be applicable to witnesses named by the accused person in the list above mentioned.

Magistrate may refuse to summon unnecessary witness, unless a deposit be made to defray the expenses of such witness.

228. If the Magistrate shall be of opinion that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material, and if the Magistrate be not so satisfied, he shall not be bound to summon the witness, unless such a sum shall be deposited with the Magistrate as he shall consider necessary to defray the expense of obtaining the attendance of the witness.

Record to be forwarded to the Superior Court.

229. When a commitment is made to the Court of Session, the record of the Magistrate shall be forwarded to such Court, together with any weapon or other article of property connected with the case. When a commitment is made to the Supreme Court of Judicature, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record shall not be in the English language, a translation thereof in the English language shall be forwarded therewith.

Copies of depositions to be furnished to accused.

230. When the preliminary enquiry is concluded, the accused person shall, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions, which shall be made at his expense.

When commitment is made, Magistrate to give notice to Government Pleader, &c.

231. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other Officer appointed by the Government to conduct prosecutions before the Court of Session, notifying such commitment, and stating the offence in the same form as the charge. Nothing in this Section shall preclude the Magistrate, if he shall think fit, from appointing a person other than such Government Pleader or Officer to conduct the prosecution.

232.

Recognizances of prosecutors and witnesses.

232. Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances in the Form (E) given in the appendix, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be. If any prosecutor or witness shall refuse to attend before the Court of Session or to execute the recognizance above directed, it shall be competent to the Magistrate to detain such prosecutor or witness in custody, until he shall execute such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall forward such prosecutor or witness under custody to the Court of Session.

CHAPTER XIII.

OF THE CHARGE.

What the charge is to contain.

233. When the Magistrate has determined to send the accused person before the Court of Session for trial, he shall make a written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct the accused person to be tried by such Court on such charge. A copy of this instrument shall be forwarded with the record of the preliminary enquiry to the Court of Session before which the accused person is to be tried, and a copy shall also be sent to the Public Prosecutor or to the Officer appointed to conduct the prosecution.

How the offence is to be described.

234. The charge shall describe the imputed offence as nearly as possible in the language of the Indian Penal Code, and shall refer to the Section under which such offence is punishable.

Absence of General Exceptions under the Penal Code to be assumed.

235. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in Chapter IV of the Indian Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exception.

236. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the accused person shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may then be given on the part of the prosecutor.

237. When the Section referred to in the charge contains an exception not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Section, without a distinct denial of the existence of such circumstances.

Special ground of exception from absence of circumstances not to be assumed.

238. The charge may contain one or more heads.

Charge may contain one or more heads.

239. When a charge contains one head only, the form shall be as follows, or to the same effect:

Heads of charge.

(*a.*) I, A [*name and Office of Magistrate, &c.,*] declare that there is hereby made against Z the charge—

(*b.*) That he, on or about the day of at , waged war against the Queen, and that he has thereby committed an offence punishable under Section 121 of the Indian Penal Code, (c) and within the cognizance of the Court of Session.

On Section 121.

(*d.*) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

To be substituted for (*b*),

(2.) That he, on or about the day of at with the intention of inducing the Honorable A. B., a Member of the Council of the Governor-General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 124.

(3.) That he, being a public servant in the Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for his, the said Z's, forbearing to do an official act, and that he has thereby committed an offence punishable under Section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 161.

(4.)

(4.) That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and that he has thereby committed an offence punishable under Section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 304.

(5.) That he, on or about the day of at , abetted the commission of suicide by A. B., a person in a state of intoxication, and that he has thereby committed an offence punishable under Section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 306.

(6). That he, on or about the day of at , voluntarily caused grievous hurt to and that he has thereby committed an offence punishable under Section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 325.

(7.) That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under Section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 392.

(8.) That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under Section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 395.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other Sections of the Indian Penal Code.

240. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more Sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Sections.

Charges in cases falling within two or more Sections of the Penal Code.

241. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences falling within the same Section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

Two or more offences punishable under the same Section.

242.

Cases of doubt as to the Section which is applicable, or the offence which may be proved.

242. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within some one of two or more Sections of the Indian Penal Code, but it is doubtful which of such Sections will be applicable, or show the commission of one of two or more offences falling within the same Section of the said Code, but it is doubtful which of such offences will be proved, the charge shall contain two or more heads, framed respectively under each of such Sections, or charging respectively each of such offences accordingly.

Forms of charge of more than one head.

243. When a charge contains more heads than one, the form shall be as follows, or to the same effect: —

I, A [*name and office of Magistrate or other Officer as aforesaid, &c.,*] declare that there is hereby made against Z the charge:

On Sections 241 and 242.

First:—That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and that he has thereby committed an offence punishable under Section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly:—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person by name A. B. to receive it as genuine, and that he has thereby committed an offence punishable under Section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

On Sections 302 and 304.

First:—That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly:—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under Section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

First

On Sections 389 and 372.

First:—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly :—That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly:—That he, on or about the day of at, committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly :—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other Sections of the Indian Penal Code.

Amendment of charge.

244. It shall be competent to any Court before which a trial is held, at any stage of the trial, to amend or alter the charge.

When the trial may be immediately proceeded with after amendment.

245. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered, or trial suspended.

246. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial

trial for such period as may be necessary to enable the accused person to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

Defendant may recall and examine witnesses already examined

247. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and examine any witness who may have been examined.

CHAPTER XIV.

OF CASES TRIABLE BY THE MAGISTRATE IN WHICH A WARRANT ON COMPLAINT MAY ISSUE.

Cases in which Magistrate may issue a warrant.

248. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate, and punishable under the Indian Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such Magistrate to issue his warrant to apprehend such person. Provided that in any such case the Magistrate, to whom such complaint shall be made, may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

Summons instead of warrant.

Issue of process, &c.

249. The provisions of Chapter XII relating to the issuing of process for causing the attendance of the accused person, the taking of bail, the summoning and enforcing the attendance of witnesses, the examination of parties and witnesses, the mode of recording evidence, correction, attestation, and interpretation thereof, and the adjournment of a case, shall be applicable to cases tried under this Chapter. On completing the examination of a witness under this Section, the Magistrate, in addition to the memorandum required by Chapter XII, shall record such remarks as he may think material respecting the demeanor of any witness while under examination.

Charge.

250. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate shall consider necessary, have

have been taken, the Magistrate, if he find that no offence has been proved against the accused person, shall discharge him. If the Magistrate find that an offence is apparently proved against the accused person which falls within the definition in a certain Section of the Indian Penal Code, or within one or other of the definitions in several Sections of the said Code, he shall prepare in writing a charge against the accused person in the manner prescribed in Chapter XIII of this Act, all the provisions of which shall be applicable to charges prepared under this Section. In charges prepared under this Section the words "within my cognizance" shall be substituted for the words "within the cognizance of the Court of Session" at the end of the charge, and the words "by the said Court" omitted in the order.

Plea.

251. The charge shall then be read to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Plea of claim to be tried.

252. If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Evidence for the defence.

253. The Magistrate shall summon any witness and examine any evidence that may be offered in behalf of the accused person, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial from time to time, as may be necessary.

Witnesses for the defence.

254. The provisions of Sections 187, 188, 189, 190, 191, and 192 of this Act shall be applicable to witnesses named in support of the defence.

Acquittal or conviction.

255. If the Magistrate shall find the accused person not guilty, he shall record judgment of acquittal. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

How the Magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

256. In any trial before a Magistrate, in which it may appear at any stage of the proceedings that from any cause the case is one which the Magistrate is not competent to try, or which, in the opinion of such Magistrate, ought to be tried by the Court of Session, the Magistrate shall stop further proceedings

proceedings under this Chapter, and shall proceed in accordance with Chapter XII of this Act for conducting the preliminary enquiry in cases triable by the Court of Session.

CHAPTER XV.

Of Cases triable by the Magistrate in which a Summons on Complaint shall ordinarily issue.

Summons shall issue.

257. Whenever a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable under the Indian Penal Code with imprisonment for a period not exceeding six months, it shall be lawful for such Magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such Magistrate to answer to the complaint. Provided that, if the Magistrate shall be satisfied or have reason to believe that the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such accused person.

When warrant may issue.

Defendant may be admitted to bail or to be at large upon personal recognizance.

258. If upon the day appointed, the accused person shall appear voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the Magistrate by virtue of a warrant, it shall be at the discretion of the Magistrate to admit the accused person to bail, or allow him to be at large upon his personal recognizance, as the Magistrate may direct. If the accused person cannot give bail when required to do so, he shall be committed to custody.

Non-appearance of complainant.

259. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same to some other day, upon such terms as he shall think fit.

If summons be not obeyed, warrant.

260. If the person served with a summons shall not appear before the Magistrate at the time mentioned in such summons, and the Magistrate shall be satisfied that such summons was

was duly served in what shall be deemed by the Magistrate to be a reasonable time before the time therein appointed for appearing to the same, or if it shall appear to the Magistrate that after due diligence the summons could not be served according to the provisions of this Act, the Magistrate may issue his warrant to apprehend the accused person.

Magistrate may dispense with personal attendance of accused.

261. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the person complained against, and permit him to appear by an Agent duly authorized to act in his behalf. Provided that it shall be at the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of such person. When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the Agent if the accused person has been permitted to appear by Agent, or the accused person may be required to attend to hear such sentence.

Summons to witness to attend and give evidence.

262. If it appear to the Magistrate that any person is likely to give material evidence on behalf of the complainant or the accused person, and that such person will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, the Magistrate shall issue his summons to such person under his signature and seal, requiring him to appear at a time and place mentioned in the summons, to testify what he knows concerning the matter of the complaint.

Magistrate may summon necessary evidence.

263. It shall be at the discretion of the Magistrate, at any stage of the trial, to summon and examine any witness whose evidence he may consider essential to the just decision of the case. The Magistrate may also examine as a witness any person in attendance, although not summoned as a witness.

Application of previous rules.

264. The provisions of Sections 187, 188, 189, 190, 191, and 192 shall be applicable to witnesses summoned according to the provisions of Sections 262 and 263 of this Act.

Admission by accused of truth of complaint.

265. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted. If the accused person admit the truth of the complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

266. If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he may produce in support of his complaint, and also to hear the accused person and such witnesses as he shall produce in his defence.

Proceeding when no such admission is made.

267. The Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds. The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record. The Magistrate shall record such remarks as he shall think material respecting the demeanor of any witness whilst under examination.

How the evidence is to be recorded.

268. In any case in which the Magistrate shall consider it necessary, it shall be competent to him, instead of taking down merely the substance of the evidence of any witness, to take down the evidence of the witness in the manner provided in Section 195 or in the manner provided by Section 196 of this Act if within the jurisdiction of such Magistrate the local Government shall have made an order as provided in that Section. In any such case the provisions of Sections 199 and 200 shall be applicable to the evidence so taken.

Manner of recording evidence in certain cases.

269. Before or during the hearing of any complaint, it shall be lawful for the Magistrate to adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties; and if on the day to which such hearing or such further hearing shall have been so adjourned, the accused person shall not appear, the Magistrate may issue his warrant for the arrest of such person, and if the complainant shall not appear, the Magistrate may dismiss the complaint.

Adjournment.

270. In any case where the Magistrate shall dismiss the complaint as frivolous and vexatious, it shall be lawful for him, in his discretion, by his order of dismissal, to award that the complainant shall pay to the accused person such amends, not exceeding fifty Rupees, as to such Magistrate shall seem just and reasonable.

Magistrate may award amends in cases of frivolous and vexatious complaints.

reasonable. The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment in the Civil jail, for any time not exceeding thirty days, unless such amends shall be sooner paid.

Magistrate may permit withdrawal of the complaint.

271. If a complainant at any time before a final order is passed in any case under this Chapter, shall satisfy the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit such complainant to withdraw such complaint. A complaint withdrawn under this Section shall not again be entertained.

Acquittal or conviction.

272. If the Magistrate, in any case tried under this Chapter, shall find the accused person not guilty, he shall record a judgment of acquittal. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

CHAPTER XVI.

OF ENQUIRIES AND TRIALS BEFORE THE SUBORDINATE MAGISTRATES.

Reference of cases to Subordinate Magistrate.

273. Criminal cases brought before the Magistrate of the District or a Magistrate in charge of a division of a District, either on complaint preferred directly to such Magistrate or on the report of a Police Officer, may be referred by such Magistrate to any Magistrate subordinate to him. The reference shall be for enquiry or for trial if the offence be triable by such Subordinate Magistrate, or with a view to commitment to the Court of Session if such Magistrate is competent to commit to the Court of Session, or with a view to commitment to the Supreme Court of Judicature if such Subordinate Magistrate is competent to commit to such Supreme Court. Provided that nothing in this Section shall prevent any Subordinate Magistrate from entertaining, either on complaint preferred directly to such Magistrate or on the report of a Police Officer (in cases in which the Subordinate Magistrate is authorized to receive such report), any case that such Magistrate is, by any law for the time being in force, competent to entertain.

Proviso.

Cases how to be referred.

274. When a criminal case is referred under this Chapter to a Subordinate Magistrate, the order of reference, if the case has been brought forward on the report of a Police Officer, shall

shall be recorded on such report, and all processes issued for causing the attendance of the accused person or the witnesses, shall direct them to attend before such Court.

Subordinate Magistrates to follow the same rules of procedure as the Magistrate.

275. In the enquiry into or trial of cases under this Chapter, the Subordinate Magistrates shall be guided by the rules prescribed for the guidance of the Magistrate of the District in similar cases; and Police Officers and others shall be bound to obey all orders and processes issued in such cases in like manner as if such orders or processes had been issued by the Magistrate of the District.

How the Subordinate Magistrate is to proceed in cases beyond his jurisdiction.

276. If, in the course of a trial before a Subordinate Magistrate, the evidence shall appear to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial before the Court of Session, he shall stay proceedings and shall submit the case to the Magistrate to whom he is subordinate. The Magistrate to whom the case is submitted shall either try the case himself or refer it to any Officer subordinate to him having jurisdiction, or he may commit the accused person for trial before the Court of Session. In any such case, such Magistrate or other Officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

In what cases Subordinate Magistrate shall not pass sentence, but may refer case to the Magistrate.

277. If in any case tried by a Subordinate Magistrate having jurisdiction, in which the accused person is found guilty, such Magistrate shall consider the offence established against the accused person to call for a more severe punishment than he is competent to adjudge, he shall record the finding and submit his proceedings to the Magistrate to whom he is subordinate, and such Magistrate shall pass such sentence or order in the case as he may deem proper and as shall be according to law. In any such case, the Magistrate to whom the proceedings are submitted, may examine the parties, and recall and examine any witness who shall already have given evidence in the case, and he may call for or take any further evidence.

How the Magistrate is to proceed in such cases.

Subordinate Magistrate, if empowered to do so, may, instead of convicting the accused, commit him for trial before the Court of Session.

278. Nothing in the last preceding Section shall be held to prevent the Subordinate Magistrate in any such case as is therein described, if such Magistrate is empowered to hold the preliminary enquiry into cases triable by the Court of Session and to commit persons to take their trial before such

such Court, from committing the accused person for trial before the Court of Session instead of finding him guilty. If the Subordinate Magistrate shall be of opinion that the accused person should be committed for trial before the Court of Session, he shall proceed in accordance with Chapter XII of this Act, for conducting the preliminary enquiry in cases triable by the Court of Session.

Mode of procedure in such cases.

CHAPTER XVII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

279. The place in which the Court of a Magistrate is held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session or Supreme Court of Judicature, or any Superior Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for any such Court, if it shall think fit, to order that during the investigation into any particular case triable by a Court of Session or by a Supreme Court of Judicature, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

Place where investigation made, an open Court.

CHAPTER XVIII.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

280. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Court of Session or the Magistrate of the District or other Officer exercising the powers of a Magistrate, and the Court or Magistrate or other Officer as aforesaid by which the accused person is convicted, or the Court or Magistrate or other Officer as aforesaid by which the final sentence or order in the case shall be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted, it shall be lawful to such Court or Magistrate or other Officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, in addition, to direct that the person so convicted be required to execute

Personal recognizance to keep the peace in cases of conviction.

a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by the Magistrate of the District or other Officer exercising the powers of a Magistrate, or three years if the sentence or final order be passed by a Court of Session. When any accused person shall be convicted of any offence specified in this Section by an Officer not exercising the powers of a Magistrate, such Officer, if he consider it just and necessary to require a penal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other Officer exercising the powers of a Magistrate to whom such Officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

Security to keep the Peace.

281. In cases in which it may appear necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, it shall also be lawful to the Court or Magistrate or other Officer as aforesaid, empowered to require a penal recognizance under the last preceding Section, to require security in addition thereto and to fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District or other Officer exercising the powers of a Magistrate, or three years if the order be passed by the Sudder Court or by a Court of Session.

Summons to any person to show cause why he should not enter into a bond to keep the peace.

282. It shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, whenever he shall receive credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, to summon such person to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate shall think fit.

Form of Summons.

283. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and if security is called for, the number of sureties required, and the amount in which they are to be bound respectively. Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

284. The penalty of such bond, which shall be in the form (D) given in the Appendix or to the like effect, shall be fixed with a due regard to the circumstances of the case and the means of the party, and the amount in which the sureties shall be bound shall not exceed the said penalty.

Penalty.

285. If the person summoned shall not attend on the day appointed, the Magistrate or other Officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest. Provided that, whenever it shall appear to the Magistrate or other Officer as aforesaid, upon the report of a Police Officer or upon other credible information, the substance of which report or information shall be recorded, that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, it shall be lawful for the Magistrate at any time to issue a warrant for the arrest of such person.

Warrant of arrest.

286. The Magistrate or other Officer as aforesaid may, if he see sufficient cause, dispense with the personal attendance of the person informed against and permit him to appear and enter into the required security, or show cause against such requisition, by an Agent duly authorized to act in his behalf.

Magistrate may dispense with personal attendance of party informed against.

287. Upon the appearance of the person, or of his Agent if he is permitted to appear by Agent, the Magistrate or other Officer as aforesaid shall not be satisfied that there is occasion to bind such person to keep the peace, he shall direct his discharge.

Discharge of party informed against.

288. If the Magistrate or other Officer as aforesaid shall be satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person shall fail to comply with the order, it shall be lawful for the Magistrate or other Officer as aforesaid to commit him to jail.

Consequence of not complying with order of Magistrate to enter into a bond.

289. The period for which the Magistrate or other Officer as aforesaid may bind a person to keep the peace with or without security, shall not exceed one year. When a person shall be committed to jail under the last preceding Section, he shall not be detained by authority of the Magistrate or other Officer as aforesaid beyond the term of one year, and shall be released whenever he shall comply with the order within that term.

Limit for confinement.

290. Whenever it shall appear to the Magistrate or other Officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session, and such Court, after examining the proceedings of the Magistrate or other Officer as aforesaid and making such further enquiry as such Court may think necessary, may, if it shall see cause, authorize the Magistrate or other Officer as aforesaid to extend the term for a further period not exceeding one year, and if the party shall fail to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other Officer as aforesaid shall direct under the orders of the Court of Session, he may be kept in confinement for such further period or until he shall give such bond within that period.

Extension of period of confinement.

291. The Magistrate or other Officer as aforesaid may, if he shall see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding Sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

Discharge of recognizances.

292. A surety for the personal appearance of another person may at any time apply to the Magistrate or other Officer as aforesaid, to be relieved from his engagement as surety. On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound, may appear or be brought before him. On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other Officer as aforesaid, shall direct the engagement of the surety to be cancelled and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

Discharge of sureties.

293. Whenever it may be proved before the Magistrate or other Officer as aforesaid that any recognizance or other bond taken under this Chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof or to show cause why it should not be paid; and if sufficient cause be not shown and the penalty be not paid, the Magistrate or other Officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which shall be found within the jurisdiction of the Magistrate of the District, and

Enforcement of penalty against the principal party.

and if the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be able to imprisonment by order of the Magistrate or other Officer as aforesaid in the Civil Jail for a period not exceeding six months.

Recovery of penalty from surety.

294. Whenever it may be proved before the Magistrate or other Officer as aforesaid that any bond with a surety has been forfeited, the Magistrate or other Officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid; and if no sufficient cause be shown, and the penalty be not paid, the Magistrate or other Officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER XIX.

Security for Good Behaviour.

When Magistrate may require security for good behaviour for six months.

295. Whenever it shall appear to the Magistrate of the District or to an Officer exercising the powers of a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, it shall be competent to such Magistrate or other Officer as aforesaid to require security for the good behaviour of such person for a period not exceeding six months.

When Magistrate may require security for good behaviour for one year.

296. Whenever it shall appear to such Magistrate or other Officer as aforesaid from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of notoriously bad livelihood, it shall be competent to such Magistrate or other Officer as aforesaid to require security for the good behaviour of such person for a period not exceeding one year.

How to proceed in cases beyond one year.

297. Whenever it shall appear to such Magistrate or other Officer as aforesaid from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the Magistrate or other Officer as aforesaid shall record his opinion to that effect, with an order specifying the amount of security

rity which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

Case to be laid before the Court of Session.

298. If the person required to furnish security, as provided in the last preceding Section, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the Magistrate or other Officer as aforesaid as it may judge proper.

Court of Session may require security not exceeding three years.

299. If the Court of Session shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

What the order for security is to contain.

300. In every instance in which security for good behaviour shall be required by the Court of Session or the Magistrate or other Officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order. The security-bond shall be in the form (F) given in the Appendix, or to the like effect.

In default of security, party to be committed to prison.

301. In the event of any person required to give security under the provisions of the foregoing Sections, failing to furnish the security so required, he shall be committed to prison until he furnish the same. Provided that no party shall be kept in prison for a longer period than that for which the security has been required from him.

Proviso.

When Magistrate may release persons under requisition of security.

302. The Magistrate of the District or other Officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any Officer subordinate to him, provided he shall be of opinion that such person can be released without hazard to the community.

303. In any case in which a Magistrate or other Officer as aforesaid shall be of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, the Magistrate or other Officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

When he must report.

304. A surety for the good behaviour of a person may at any time apply to the Magistrate or other Officer as aforesaid to be relieved from his engagement as surety. On such application being made, the Magistrate or other Officer as aforesaid shall issue his summons or warrant in order that the person may appear or be brought before him. On the appearance of the party pursuant to the warrant or on his voluntary surrender, the Magistrate or other Officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person to give fresh security, and in default thereof shall commit him to custody.

Discharge of surety.

305. Whenever the Magistrate or other Officer as aforesaid shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate or other Officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to such surety which may be found within the jurisdiction of the Magistrate of the District; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety shall be liable to imprisonment by order of the Magistrate or other Officer as aforesaid in the Civil jail, for a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

306. The several provisions of the last preceding Chapter relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this Chapter against persons required to give security for their good behaviour.

Issue of summons and warrant of arrest.

307. Any evidence taken under Chapter XVIII or this Chapter, shall be taken in the manner prescribed by Section 267, subject to the provision contained in Section 268 of this Act.

Manner of taking evidence under Chapter XVIII or this Chapter.

CHAPTER XX.

Of Local Nuisances.

Magistrate may order removal of nuisances.

308. Whenever the Magistrate of a District or of a division of a District may consider that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place, or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place, or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented, or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary, or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public, he may issue an order to the person causing such obstruction or nuisance or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on such person, within a time to be fixed in the order, to remove such obstruction or nuisance, or to suppress or remove such trade or occupation, or to stop the construction of, or to remove such building, or to alter the disposal of such substance, or to fence such tank or well, (as the case may be,) or to appear before such Magistrate within the time mentioned in the order, and show cause why such order should not be enforced.

Service or notification of order.

309. Such order shall, if practicable, be served personally on the person to whom it is issued; but if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

Person ordered shall obey the order, or may claim a Jury.

310. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate to show cause as aforesaid, or he may apply to the Magistrate by petition for an order for a Jury to be appointed to try whether the order is reasonable and proper. On receiving such petition, the Magistrate shall forthwith appoint a Jury which shall consist of not less than five persons, whereof the President and one-half of the Members shall be nominated by such Magistrate, and the remaining Members by the party petitioning. The Magistrate shall suspend the execution of the order pending

Constitution of Jury.

ing

ing such enquiry, and be guided by the decision of the Jury, which shall be according to the opinion of the majority. If the petitioner shall, by neglect or in any other way, prevent the appointment of a Jury, or if from any cause the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate, and if from any of the above causes no decision be made by the Jury, the order of the Magistrate shall be carried into effect as hereinafter provided.

Proceeding in case of neglect by Jury.

311. If the person to whom the order mentioned in Section 308 is issued shall not obey such order, or show cause against the same as hereinafter provided, or petition for a Jury within the time specified in such order, he shall be liable to the penalty prescribed in that behalf in Section 188 of the Indian Penal Code, and the Magistrate who issued such order may proceed to carry such order into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the personal property of the person aforesaid, and no suit or action shall be entertained in any Court in respect of any thing necessarily or reasonably done to give effect to such order.

Procedure in case of disobedience or neglect by party ordered.

312. If in a case referred to a Jury, the Jury shall find that the order of the Magistrate is reasonable and proper, the Magistrate shall give notice thereof to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed therein under the penalty provided by the Indian Penal Code as aforesaid. If such latter order shall not be obeyed, the Magistrate may proceed as in the last preceding Section.

If Jury find order of Magistrate to be reasonable and proper.

313. If the person to whom the order of the Magistrate is issued, shall appear and show cause against the same, and shall satisfy the Magistrate that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If party ordered satisfy the Magistrate that the order is not reasonable and proper.

314. If, pending the enquiry by a Jury, the Magistrate shall consider that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, it shall be lawful for such Magistrate to issue such an injunction and order to the person mentioned in that behalf in Section 308, as shall be required to obviate or prevent such danger or injury, and in default of such person forthwith taking all

Issue and enforcement of injunction.

all necessary measures ordered to be taken by such injunction or order, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury, and no suit or action shall be entertained in respect of any thing necessarily or reasonably done for that purpose.

Saving of certain provisions.

315. Nothing in this Chapter shall interfere with the provisions of Section XLVIII of Act XXIV of 1859 *(for the better regulation of the Police within the territories subject to the Presidency of Fort St. George)* or of Section XXXIV of Act V of 1861 *(for the regulation of Police.)*

CHAPTER XXI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Magistrate may make order for maintenance of wives and children.

316. If any person having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty Rupees in the whole, as to the Magistrate or other Officer as aforesaid shall seem reasonable; and if such person shall wilfully neglect to comply with the order, the Magistrate or other Officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order such person to be imprisoned with or without hard labor for any term not exceeding one month. Provided that if such person offer to maintain his wife on condition of her living with him, and his wife shall refuse to live with him, it shall be lawful for the Magistrate or other Officer as aforesaid to consider any grounds of refusal stated by such wife; and he may make the order allowed by this Section notwithstanding such offer, if he shall be satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty. No wife shall be entitled to receive an allowance from her husband under this Section, if she is living in adultery, or if without any sufficient reason she refuses to live with her husband.

Enforcement of order.

Proviso.

Application for reduction of allowance.

317. Any person ordered to pay a monthly allowance for the maintenance of his wife, or child, or both, under the provisions of the last preceding Section, may apply to the Magistrate from

from time to time for the reduction of such allowance, and on proof of an alteration in the circumstances of such person, his wife, or child, justifying such reduction, such Magistrate may make such reduction in the allowance ordered as he may deem fit.

CHAPTER XXII.

OF DISPUTES RELATING TO THE POSSESSION OF LAND OR THE RIGHT OF USE OF ANY LAND OR WATER.

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

318. Whenever the Magistrate of the District or other Officer exercising the powers of a Magistrate shall be satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land, premises, water, fisheries, crops, or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by the Magistrate or other Officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute. The Magistrate or other Officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to enquire which party is in possession of the subject of dispute, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to be in such possession, to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

Party in possession to be continued until ousted by due course of law.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

319. If the Magistrate or other Officer as aforesaid shall decide that neither of the parties is in possession, or shall be unable to satisfy himself as to which person is in possession of the subject of dispute, he may attach the subject of dispute until a competent Civil Court shall have determined the rights of the parties or who ought to be in possession.

Disputes concerning right of use of land or water.

320. If a dispute arise concerning the right of use of any land or water, the Magistrate or other Officer as aforesaid within whose jurisdiction the subject of dispute lies, may enquire into the matter, and if it shall appear to him that the subject of dispute is open to the use of the public, or of any person, or of any class of persons, the Magistrate or other Officer may order that possession thereof shall not be taken

or

or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate or other Officer as aforesaid shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the enquiry, or in cases where the right of use exists at particular seasons unless such right has been exercised during the last of such seasons before the complaint.

Saving of powers of Collectors and Revenue Courts.

321. Nothing in this Chapter shall affect the powers of a Collector or a person exercising the powers of a Collector, or of a Revenue Court.

CHAPTER XXIII.

Of Juries and Assessors.

Local Government by order to specify in what places trials to be by Jury.

322. The local Government may order that the trial of all offences or of any particular class of offences by any Court of Session shall be by Jury in any District, and such local Government may from time to time revoke or alter such order. Orders passed under this Section shall be published in the Government Gazette, and in such other manner as the local Government shall direct.

How the Jury is to be constituted for the trial of persons belonging to certain specified races.

323. Criminal trials before the Court of Session in which a European (not being a British subject) or an American is the accused person or one of the accused persons, shall be by Jury; and in such case the Jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether British subject or not) or Americans, if such a Jury can be procured. Provided that in any District in which the local Government shall not have ordered that all trials or trials for all offences of the class within which the trial about to take place falls, shall be by Jury, such European or American may elect to be tried without Jury.

Proviso.

Trials before the Session Court with Assessors.

324. In a trial before the Court of Session not by Jury, the trial shall be conducted with the aid of two or more Assessors as Members of the Court. The opinion of each Assessor shall be given orally and shall be recorded in writing by the Court, but the decision is vested exclusively in the Judge.

How the Jury is to be constituted for the trial of other persons.

325. In a trial by Jury before the Court of Session in which a person not belonging to the races specified in Section 323 shall be tried, at least one-half of the Jury, if the accused person desire it, shall consist of persons not belonging to either of such races.

How the Jury is to be constituted when persons of both descriptions are jointly charged.

326. In any case before the Court of Session in which a person not belonging to the races mentioned in Section 323 is charged jointly with a person belonging to one of those races, and such last mentioned person claims to be tried by a Jury consisting of at least one-half of Europeans or Americans, the person not belonging to either of such races shall, if he desire it, be tried separately.

Number of which the Jury is to consist.

327. In trials by Jury before the Court of Session the Jury shall consist of five persons, or of such number, being an uneven number, and not being less than five or more than nine, as the local Government by any general order applicable to any particular District or to any particular classes of offences in that District shall direct.

Number of voices necessary to a verdict.

328. If the Jury are unanimous in a verdict of guilty, the accused person shall be convicted. If the Jury shall consist of five persons and a majority of four find the accused person guilty, or if the Jury shall consist of seven persons and a majority of five find the accused person guilty, or if the Jury shall consist of nine persons and a majority of six find the accused person guilty, the accused person shall be convicted. If the Jury are unanimous in a verdict of not guilty, the accused shall be acquitted. If the Jury shall consist of five persons and a majority of four find the accused person not guilty, or if the Jury shall consist of seven persons and a majority of five find the accused person not guilty, or if the Jury shall consist of nine persons and a majority of six find the accused person not guilty, the accused person shall be acquitted, and the Judge shall not receive a verdict of acquittal unless it be unanimous or found by such majority as last aforesaid.

List of Jurors and Assessors.

329. The Collector of the District or other Officer exercising the powers of a Collector of a District shall, from time to time, prepare and make out in alphabetical order, a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the local Government may think fit to direct, who are in the judgment of the Collector or other Officer as aforesaid qualified from their education and character to serve as Jurors or

as

as Assessors respectively. The list shall contain the name, place of abode, and quality or business of every such person; and if the person belongs to either of the races specified in Section 323, the list shall mention the race to which he belongs.

Publication of list.

330. Copies of such list shall be stuck up in the Office of the Collector or other Officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside, and every such copy shall have subjoined to it a notice, stating that objections to the list will be heard and determined by the Collector or other Officer as aforesaid at a time and place to be mentioned in the notice.

Revision of list.

331. The Collector or other Officer as aforesaid shall at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a Juror or as an Assessor, and insert the name of any person omitted therefrom, whom he deems qualified for such service. A copy of the revised list shall be signed by the Collector or other Officer as aforesaid and transmitted to the Court of Session. Any order of the Collector or other Officer as aforesaid in preparing and revising the list shall be final.

Further revision of list.

332. The list so prepared and revised shall be again revised at least once in every year, and the list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Jurors.

333. Except as hereinafter provided, all male persons between the ages of twenty-one and sixty, resident within the limits of the jurisdiction of the Court of Session, shall be deemed capable of serving as Jurors and Assessors, and shall be liable to be summoned accordingly.

Disqualifications.

334. The following persons are incapable of serving as Jurors or as Assessors in trials before the Court of Session, namely :—

Persons who hold any Office in or under the said Court.

Persons executing any duties of Police or entrusted with any Police functions.

Persons

Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Collector, renders them unfit to serve on the Jury.

Persons who are afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

Exemptions.

335. The following persons are exempt from the liability to serve as Jurors or as Assessors, namely :—

Judges and other Judicial Officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the Revenue whom the Collector may think fit to exempt on the ground of official duty.

Chaplains and others employed in Religious Offices.

All persons in the Military service.

Surgeons and others who openly and constantly practise in the profession of Physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of Section 22 of Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)*

Person exempted is not bound to avail himself of his right of exemption.

The exemption from service given by this Section is a right of which each person exempted may avail himself or not. Nothing herein contained shall be construed to disqualify any such person if he shall be willing to serve as a Juror or as an Assessor.

Court to summon Jurors.

336. The Court of Session shall ordinarily three days at the least before the time fixed for the holding of Sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by Jury and trials with the aid of Assessors at the said Sessions, the number to be summoned not being less than double the number required for any case about to be tried at such Sessions. The names of the persons to be summoned shall be drawn by lot

lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

Form and service of summons.

337. Every summons to a Juror or Assessor shall be in writing, and shall require his attendance as a Juror or Assessor at a time and place to be therein specified. The summons or a copy thereof shall be served on every Juror or Assessor personally. If the Juror or Assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

Power of Court to summon another set of Jurors or Assessors.

338. The Court of Session may direct Jurors or Assessors to be summoned at other periods than the period specified in Section 336 when the number of trials before the Court renders the attendance of one set of Jurors or Assessors for a whole Session oppressive, or whenever it may be found to be necessary.

Service of summons to serve as Juror or Assessor, on an Officer of Government.

339. If any person summoned to serve as a Juror or Assessor, be an Officer of Government, the summons shall be transmitted to such person through the Head Officer of the Office in which he is employed, and the Court may excuse the attendance of such person if it shall appear on the representation of such Head Officer that such person cannot serve as a Juror or Assessor without inconvenience to the public service.

Court may excuse attendance of a Juror or Assessor.

340. The Court of Session may excuse any Juror or Assessor from attendance for reasonable cause.

List of names of Jurors or Assessors attending at each Session.

341. At each Session the Court shall cause to be made a list of the names of those who serve as Jurors or Assessors at such Session. The list shall be kept with the revised list of the Jurors and Assessors prepared under Section 331. A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this Section.

Jurors to be chosen by lot.

342. Whenever a trial by Jury is to be held, the persons who are to constitute the Jury shall be chosen by lot immediately before the commencement of the trial from the Jurors who attend in obedience to the summons. If the trial is to be held with the aid of Assessors, the Judge shall select from the persons summoned to act as Assessors, two or more persons to assist him in such trial.

Assessors to be selected by Judge.

343.

Names of Jurors to be called.

343. Before the commencement of a trial by Jury the names of the Jurors shall be called aloud, and upon the appearance of each Juror, the accused person shall be asked if he objects to be tried by such Juror. Any objection may then be made to such Juror by the accused person or by the Government Pleader or other person appointed to conduct the prosecution, and the grounds of objection shall be stated. Any objection made to a Juror shall be decided by the Court, and the decision of the Court shall be final. If an objection be allowed, the place of such Juror shall be supplied by any other Juror in attendance in obedience to a summons, or if there be no such Juror present, then by any other person present in the Court whose name is on the list of Jurors, or whom the Court shall consider a proper person to serve on the Jury, provided no objection to such Juror or other person be made and allowed.

Objections.

Grounds of objection.

344. Any objection taken to a Juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(1.) Any ground of disqualification within Section 334.

(2.) Standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused; being in the employment on wages of either of such persons; being plaintiff or defendant against either of such persons in any Civil suit, or having complained against or having been accused by either of such persons in any Criminal prosecution.

(3.) Any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favor to, either of such persons.

Juror to understand the language in which evidence is given or interpreted.

345. The Judge shall not allow any person to serve on the Jury, unless such person understands the language in which the evidence is given or interpreted.

Foreman of Jury.

346. The Jury shall appoint one of their number to be Foreman. It shall be the duty of such Foreman to preside in the debates of the Jury, to deliver the verdict of the Jury, or ask any information from the Court that may be required by the Jury. If a majority do not agree in the appointment of a Foreman, he shall be named by the Court.

The same Jury or Assessors may try in succession several offenders.

347. The same Jury, if not objected to, may try, or the same Assessors may aid in the trial of, as many accused persons successively as to the Court shall seem expedient.

View by Jury or Assessors.

348. Whenever in the opinion of the Court it may be proper and convenient that the Jury or Assessors should have a view of the place in which the offence charged is said to have been committed, or of any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the Jury or Assessors shall be conducted in a body under the care of an Officer of the Court to the place which shall be shown to them by a person appointed by the Court, and it shall be the duty of the Officer not to suffer any other person to speak to or hold any communication with any of the Jury or Assessors, and they shall, when the view is finished, be immediately conducted back into Court.

Mode of summoning and empanelling Jurors for a Jury constituted under Section 323.

349. When a trial is held in which the accused person or one of the accused persons is entitled to be tried by a Jury constituted under the provisions of Section 323 of this Act, the Court of Session shall, three days at the least before the day fixed for holding such trial, cause to be summoned in the manner prescribed in Section 336 such a number of Jurors of the races mentioned in Section 323 as is equal to the total number of Jurymen required for the trial, if so many of such races be on the Jury List of the District. The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for Jury trials at that Session. The names of the persons to be summoned shall be drawn by lot, excluding those who have served within six months, unless the number cannot be made up without them. From the whole number of persons returned, the Jurors who are to constitute the Jury shall be taken by lot in the manner prescribed in Section 342, until a Jury, containing the proper number of the races mentioned in Section 323, or a number approaching as nearly thereto as possible, has been obtained. The Jurors shall be liable to the same objections as any other Jurors. If a Jury containing the requisite number of the races mentioned in Section 323 be not obtained, the accused person may elect to be tried by the Judge with the aid of Assessors; otherwise he shall be tried by the Jury obtained by the means aforesaid.

350. If, in the course of a trial by Jury at any time prior to the finding, any Juror shall, from any sufficient cause, be prevented from attending through the trial, or if any Juror shall absent himself, and it shall not be possible to enforce his attendance, a new Juror shall be added, or the Jury shall be discharged, and a new Jury empannelled, and in either case the trial shall commence anew.

If, prior to finding, any of the Jury be unable to proceed with the trial.

351. In any trial by Jury if the accused person is found guilty by a majority consisting of a less number of the Jury than is specified in that behalf in Section 328 of this Act, or if the accused person be found not guilty by a majority consisting of a less number of the Jury than is therein in that behalf specified, the Jury shall be discharged, and in any such case as aforesaid there shall be a new trial before a Jury consisting entirely of other Jurors, and the accused person may be remanded or held to bail for such new trial. If, on any new trial by Jury, the accused person shall not be found guilty by a majority consisting of such a number as aforesaid, he shall be acquitted.

Verdict of guilty by less than the specified majority of Jury.

352. At the close of the trial, and after the Judge has summed up the evidence as hereinafter provided by Section 379 of this Act, the Jury may retire to consider their finding, and it shall be the duty of an Officer of the Court not to suffer any person to speak to or hold any communication with any member of such Jury. In any case in which a Jury shall be prepared to deliver their finding, the Judge shall ask the Jury whether they are unanimous, and if the Foreman or one of the Jury shall declare that they are not unanimous, the Judge may require such Jury to retire for further consideration. If, after such a period as the Judge shall consider reasonable, the Foreman or any one of the Jury shall declare that they are not unanimous, the Jury may deliver their verdict.

When and how long Jury may retire for finding.

353. If, in the course of a trial with the aid of Assessors, at any time prior to the finding, any Assessor shall, from any sufficient cause, be prevented from attending through the trial, the trial shall proceed with the aid of the other Assessor or Assessors. If all the Assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh Assessors.

If either of the Assessors be unable to proceed with trial.

354. Any person summoned to attend as a Juror or as an Assessor, who shall without lawful excuse fail to attend as required by the summons, or having attended shall depart without

Penalty for non-attendance of Juror or Assessor.

out having obtained the permission of the Court, shall be liable by order of the Court of Session to a fine not exceeding one hundred Rupees, to be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such Juror or Assessor within the jurisdiction of the Court making the order, or in default of recovery of the fine by such attachment and sale, such Juror or Assessor may be imprisoned in the Civil Jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER XXIV.

OF SUBORDINATE JUDGES AND PRINCIPAL SUDDER AMEENS IN THE PRESIDENCY OF FORT SAINT GEORGE.

Criminal Jurisdiction and powers of punishment of Subordinate Judges and Principal Sudder Ameens.

355. The Subordinate Judges and Principal Sudder Ameens in the Presidency of Fort Saint George shall continue to exercise under this Act, subject to the provisions of the Indian Penal Code, the Criminal jurisdiction which they are competent to exercise under any law for the time being in force, and shall have the same powers of punishment as are given by this Act to an Officer exercising the powers of a Magistrate.

What cases Subordinate Magistrates may commit and what cases they may refer to Magistrate.

356. Subordinate Magistrates of the first and second class in the Presidency of Fort Saint George shall commit to the Court of Session any persons charged with offences triable exclusively by that Court, or shall, under such orders as the Sudder Court shall from time to time issue, either commit to the Subordinate Judges or Principal Sudder Ameens the cases of persons accused of offences triable by such Subordinate Judges or Principal Sudder Ameens, or refer such cases for the orders of the Magistrate of the District or other Officer exercising the powers of a Magistrate. If the case be referred to the Magistrate of the District or other Officer as aforesaid, such Magistrate or other Officer shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

Subordinate Magistrate after trial may refer to Magistrate of the District.

357. If in any case tried by a Subordinate Magistrate of the first or second class in the Presidency of Fort Saint George in which the accused person is found guilty, such Magistrate shall consider the offence established against the accused person to call for a more severe punishment than such Magistrate is competent to adjudge, he shall record the finding and submit his proceedings to the Magistrate of the District or other Officer exercising the powers of

a Magistrate, and the Magistrate of the District or other Officer as aforesaid shall pass such sentence or order in the case as he may deem proper and as shall be according to law. In any such case, the Magistrate or other Officer to whom the proceedings are submitted may examine the parties, and recall and examine any witness who shall already have given evidence in the case, and he may call for or take any further evidence.

Cases committed for trial before Subordinate Judges and Principal Sudder Ameens.

358. In cases committed for trial before the Subordinate Judges or Principal Sudder Ameens in the Presidency of Fort Saint George, they shall be guided by the rules contained in this Act for the trial of cases before the Magistrate, which are hereby made applicable to such cases. The Subordinate Judges and Principal Sudder Ameens may commit any case to the Court of Session in which the evidence is such as to warrant a presumption that the accused person has been guilty of an offence calling for a more severe punishment than such Subordinate Judges or Principal Sudder Ameens are authorized to adjudge.

CHAPTER XXV.

TRIALS BEFORE THE COURT OF SESSION.

Cognizance of offences by the Court of Session in original jurisdiction.

359. Except in the cases referred to in Section 172 of this Act, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence but upon a charge preferred by a Magistrate or other Officer specially empowered under this Act or under any other law to make commitments to such Court.

Every trial before Court of Session to be conducted by Government Pleader, &c.

360. In every trial before a Court of Session the prosecution shall be conducted by the Government Pleader or by some other Officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

Postponement of trial.

361. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and will promote the ends of justice.

Commencement of trial.

362. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is

is guilty of the offence charged, or claims to be tried. If the accused person plead guilty, the plea shall be recorded, and the accused may be convicted thereon.

Refusal to plead, or plea of claim.

363. If the accused person shall refuse to plead, or shall claim to be tried, the Court shall proceed to try the case, taking all the evidence that is forthcoming.

Provisions relating to examination of parties, &c., in trials before Magistrate to be applicable to trials before Court of Session.

364. The provisions of Sections 195, 196, 197, 198, 199, and 200, of this Act, relating to the examination of parties and witnesses, the mode of recording evidence, and the correction, attestation, and intrepretation thereof in trials before the Magistrate, shall be applicable to trials before the Court of Session under this Chapter.

Witness refusing to answer may be committed to custody.

365. If any witness shall refuse to answer any question which shall be put to him, and shall not offer any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer. In the event of such witness persisting in his refusal, he may be dealt with according to the provisions of Section 163 of this Act.

Examination of accused before the Magistrate to be evidence at the trial.

Proof of such examination.

366. The examination of the accused person before the Magistrate shall be given in evidence at the trial. The attestation of the Magistrate shall be sufficient *primâ facie* proof of such examination, and such attestation shall be admitted without proof of the signature to it, unless the Court shall see reason to doubt its genuineness.

Court may summon necessary evidence.

367. It shall be in the discretion of the Court, at any stage of a trial, to summon and examine any witness whose evidence it shall consider essential to the just decision of the case. The Court may also examine as a witness any person in attendance although not summoned as a witness.

Evidence of medical witness.

368. The Court shall receive as *primâ facie* evidence the examination of a Civil Surgeon or other medical witness taken and duly attested by the Magistrate. Provided that it shall be competent to the Court to summon such Civil Surgeon or other Medical witness, if it shall see sufficient cause for doing so.

369. The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence if the witness be dead or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

Examination of witness taken and attested by Magistrate when admissible.

370. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary enquiry relating thereto, shall be received in evidence at a trial by the Court of Session, if it bear the signature of such Examiner, and no proof of such signature or that the person signing holds such office, shall be requisite unless the Court shall see reason to doubt the genuineness of the document.

Report of Chemical Examiner admissible in evidence.

371. The declaration of a deceased person, whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Dying declaration.

372. When the case for the prosecution has been brought to a close, the accused person shall be called upon to enter upon his defence, and to produce his evidence.

Defence.

373. The Court, at the close of the evidence on behalf of the accused person if any evidence is adduced on his behalf, or otherwise at the close of the case for the prosecution, may put any question to the accused person which it may think proper. It shall be in the option of the accused person to answer such question.

When accused person may be examined.

374. The accused person or his Counsel or Agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf, or if any question shall be put to the accused person by the Court, after such question shall have been so put.

When accused may address the Court.

375. The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any other witness summoned than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in Section 246 of this Act.

Witness for the defence.

Prosecutor's right of reply.

376. If any evidence is adduced on behalf of the accused person, or if the answers any question put to him by the Court, the prosecutor, or the Counsel or Agent for the prosecution, shall be entitled to a reply.

Adjournment.

377. The Court may in its discretion, from time to time, adjourn the trial as may be necessary.

Jury or Assessors to attend at adjourned sitting.

378. In the event of the adjournment of a trial by Jury or with the aid of Assessors, the Jury or Assessors shall be required to attend at the adjourned sitting, and at every subsequent sitting until the conclusion of the trial; and any Juror or Assessor who shall without lawful excuse fail so to attend, shall be liable to the penalty prescribed in Section 354 of this Act, and such penalty shall be enforced in the manner therein prescribed.

Of verdict of Jury.

379. In a trial by Jury, the Judge shall sum up the evidence on both sides, and the Jury shall then deliver their finding upon the charge. A statement of the Judge's direction to the Jury shall form part of the record. In trials not by Jury, the ground of the Judge's decision shall be recorded.

Acquittal or conviction.

380. If the accused person is acquitted, the Court shall record a judgment of acquittal. If the accused person is convicted, the Court shall proceed to pass sentence upon him according to law. Provided that if the Court pass sentence of death, the sentence shall not be executed without the confirmation of the Sudder Court. If the accused person shall be convicted of an offence which by the Indian Penal Code is punishable with death, and the Court shall sentence such person to any punishment other than death, the Court shall state the grounds upon which it remitted the punishment of death in the statement of trials to be periodically submitted to the Sudder Court, as hereinafter required, under the head of "Sentences passed upon the accused persons."

CHAPTER XXVI.

FINDING, JUDGMENT, AND SENTENCE.

What the judgment is to specify.

381. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused person be convicted, shall distinctly specify the offence of which, and the Section of the Indian Penal Code under which he is convicted, or if it be doubtful

doubtful under which of two Sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to Section 72 of the said Code.

Form of finding and sentence.

382. The finding and sentence shall be recorded in one of the following forms, or to the same effect:—

In trials by Jury:—

When the Jury are unanimous:

The Jury are unanimous in finding that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Queen, and has thereby committed an offence punishable under Section 121 of the Indian Penal Code; and the Court directs that the said Z be [*sentence.*]

2nd. The Jury are unanimous in finding that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Queen, and has thereby committed an offence punishable under Section 121 of the Indian Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but such a majority as is required by Section 328 of this Act concur in finding the accused guilty:

3rd. A majority (stating the number, consisting of four out of five, or five or six out of seven, or six, seven, or eight out of nine, as the case may be) find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor-General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 124 of the Indian Penal Code. The Court directs that the said Z be [*sentence.*]

When the Jury are not unanimous, but such a majority as is required by Section 328 of this Act concur in finding the accused not guilty:

4th. A majority of the Jury (stating the number, as above,) find that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor-General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 124 of the Indian Penal Code. The Court directs that the said Z be discharged.

When

When the Jury, or such a majority as is required by Section 328 of this Act, concur in finding the accused guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:

5th. The Jury, or a majority of the Jury (stating the number, as above,) find that Z is guilty either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge, namely, that Z has either committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code, or that he has committed criminal breach of trust and has thereby committed an offence punishable under Section 406 of the said Code. The Court directs that, under the provisions of the above-mentioned Sections and the provisions of Section 72 of the Indian Penal Code, the said Z be [*sentence.*]

When a majority less than the number required by Section 328 of this Act find the accused guilty:

6th. A majority of the Jury (stating the number, as above,) find that Z is guilty of the offence specified in the charge, namely, that he has committed &c., &c., the Court directs that the Jury be discharged, and that there be a new trial.

A similar form shall be followed if a verdict of not guilty is found by a majority less than is required by Section 328 of this Act.

If the finding be on a second trial, and a majority less than is required by Section 328 of this Act, find the accused guilty:

7th. A majority of the Jury (stating the number, as above,) find that Z is guilty of the offence specified in the charge, namely, that he has committed &c., &c. This being a second trial under Section 351 of the Code of Criminal Procedure, the Court directs that the said Z be discharged.

In trials with Assessors:

9th. The Court, concurring with the Assessors (or one or more of the Assessors), finds that Z is guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting and has thereby committed an offence punishable under Section 147 of the Indian Penal Code; and the Court directs that the said Z be [*sentence.*]

10th.

10*th*. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting and has thereby committed an offence punishable under Section 147 of the Indian Penal Code; and the Court directs that the said Z be discharged.

11*th*. The Court, concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge, namely, that Z has either committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code, or that he has committed criminal breach of trust and has thereby committed an offence punishable under Section 406 of the Indian Penal Code; and the Court directs that, under the provisions of the above-mentioned Sections and the provisions of Section 72 of the Indian Penal Code, the said Z be [*sentence.*]

In trials upon a formal charge, without Jury or the aid of Assessors:

12*th*. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code; and the Court directs that the said Z be [*sentence.*]

13*th*. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft and has thereby committed an offence punishable under Section 379 of the Indian Penal Code; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared:

14*th*. The Court finds that Z has used criminal force and has thereby committed an offence punishable under Section 353 of the Indian Penal Code, and directs that the said Z be [*sentence.*]

15*th*. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

Execution of sentence of Court in cases referred to the Sudder Court for confirmation of sentence.

383. In cases referred by the Court of Session for the confirmation of a sentence by the Sudder Court, the proper Officer of the Sudder Court shall, without delay, after the order of confirmation or other order has been made by the Sudder Court, transmit a copy of the order under the seal of the Sudder Court, and

and attested with his official signature, to the Court of Session, which, if the sentence be confirmed, shall immediately issue a warrant to the Magistrate or other Officer in charge of the jail in which the prisoner is confined to cause the sentence or order to be carried into execution; or in the case of any other order, shall cause such order to be carried into effect.

Court of Session to direct warrant to District Magistrate.

384. In cases tried by the Court of Session, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the Magistrate of the District in which the trial was held or to such other Officer as aforesaid.

Execution of sentence under the two last foregoing Sections.

385. Upon the receipt of a warrant under either of the last two preceding Sections, the Magistrate or other Officer as aforesaid shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

386. In every case of imprisonment under the sentence of the Sudder Court or of a Court of Session, the Magistrate or other Officer as aforesaid shall issue his warrant to the jailor, stating the offence of which the accused person has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In every case of imprisonment under the sentence of any other Court, the Court passing the sentence shall issue its warrant to the jailor, and the warrant shall contain the same particulars and be to the same effect.

Transmission of periodical calendars of trials by Court of Session.

387. The Court of Session shall transmit to the Sudder Court such periodical statements or calendars of trials held by such Court as the Sudder Court shall prescribe, exhibiting the offences charged, the offences of which the accused persons are convicted, and the sentences or orders passed upon them.

CHAPTER XXVII.

Of Lunatics.

Procedure in case of accused person being lunatic.

388. When any person who is charged with an offence shall appear to the Magistrate having jurisdiction to be of unsound mind and incapable, in consequence, of making a defence, the Magistrate

Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District or some other Medical Officer, and thereupon shall examine such Civil Surgeon or other Medical Officer, and shall reduce the examination into writing ; and if the Magistrate shall be of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

Procedure in case of person committed before a Court of Session being lunatic.

389. If any person who shall be committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

Release of lunatic pending investigation or trial.

390. In any case in which an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required. If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the local Government to which the case shall be reported shall direct.

Resumption of investigation of case.

391. Whenever any investigation or trial of a case shall be postponed under Section 388 or Section 389 of this Act, the Magistrate or Court of Session, as the case may be, may at any time resume the investigation or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or Court, or if the accused person has been released on security, may require his appearance. Until such investigation or trial is completed, the case shall be considered as pending before the Magistrate or Court of Session, and shall be included in any register of pending cases kept by such Magistrate or Court. The surety of such person shall be bound at any time to produce him to any Officer whom the Magistrate or Court of Session may appoint to inspect him, and the certificate of such Officer shall have the same effect as the certificate of an Inspector of Jails or the Visitors of Lunatic Asylums granted under Section 395 of this Act.

392. If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it shall appear to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the investigation shall proceed, or the accused person shall be put on his trial as the case may require. If it shall appear that the accused person is still of unsound mind and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of Section 388 or Section 389 of this Act.

Procedure on accused appearing or being brought before Magistrate or Court of Session.

393. Whenever any person is acquitted, upon the ground that at the time at which he is charged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

Procedure in case of acquittal of accused person on the ground of being lunatic.

394. Whenever such finding shall state that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held, shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session shall seem fit, and shall report the case for the order of the local Government. The local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

Person so acquitted to be disposed of by Magistrate or Court of Session for safe custody, &c.

395. *Clause* I. When any person is confined under the provisions of Section 390 or Section 394 of this Act, it shall be lawful for the Inspector of Jails if such person is confined in a Jail, or for the Visitors of Lunatic Asylums or any two of them if such person is confined in a Lunatic Asylum, to visit such person in order to ascertain his state of mind; and such person shall be visited once at least in every twelve months by such Inspector of Jails or by two of such Visitors as aforesaid, who shall make a special report as to the state of mind of such person.

Lunatics to be visited and reported on by Inspector of Jails, &c.

Clause 2. If such person is confined under Section 390 of this Act, and such Inspector of Jails or such Visitors of Lunatic Asylums as aforesaid shall report that in his or their opinion such person is capable of making his defence, such person shall be taken before the Magistrate or Court of Session, as the case may

If lunatic confined under Section 390 is reported capable of making his defence.

may be, at such time as such Magistrate or Court of Session shall appoint; and such Magistrate or Court shall deal with such person under the provisions of Section 392, and may receive as evidence the certificate of such Inspector of Jails or such Visitors of Lunatic Asylums as aforesaid.

If lunatic confined under Section 394 is declared capable of being discharged.

Clause 3. If such person shall be confined under the provisions of Section 394 of this Act, and such Inspector of Jails or such Visitors of Lunatic Asylums as aforesaid shall certify that in his or their judgment such person may be discharged without danger of his doing injury to himself or to any other person, the local Government shall thereupon either order his discharge or order such person to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall within six months appoint a commission consisting of a Judicial Officer not below the grade of a Sessions Judge, and two Medical Officers whereof the Chief Medical Officer attached to the Lunatic Asylum shall be one. The said Commission shall make formal enquiry into the state of mind of such person, taking such evidence as shall be necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

Person under sentence of imprisonment, appearing to be of unsound mind, may be removed to Lunatic Asylum, and kept till he shall again become of sound mind, &c.

396. Whenever it shall appear to the local Government that any person, imprisoned by the sentence of any Court or Magistrate, is of unsound mind, the local Government, by an order which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum, there to be kept and treated as the local Government shall direct during the remainder of the term of imprisonment ordered by the sentence, or if it shall be certified by a Medical Officer that it is necessary for the safety of the prisoner or others that he should be detained under care and treatment, then until he shall be discharged according to law; and when it shall appear to the local Government that such person has become of sound mind, the local Government, by an order directed to the person having charge of him, shall remand such person to the custody from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody. The provisions of Section IX of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to persons confined in a Lunatic Asylum under this Section after the expiration of the imprisonment ordered by the sentence. The period during which a person shall be confined in a Lunatic Asylum shall be reckoned as part of the period of imprisonment ordered by the sentence.

When lunatic may be delivered over to the care and custody of a relative or friend.

397. Whenever any relative or friend of any person detained under the provisions of Section 394 of this Act is desirous that such person shall be delivered over to his care and custody, the local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may make an order that the person so detained may be delivered to such relative or friend. Whenever such person shall be so delivered over, it shall be upon condition that he shall be subject to the inspection of such Officer as the local Government shall think necessary to appoint, and at such times as such Government shall direct. The provisions of Section 395 shall apply to persons detained under the provisions of this Section, and the certificate of the Inspecting Officer appointed under this Section shall have the same effect as a certificate of an Inspector of Jails or the Visitors of Lunatic Asylums under the said Section.

CHAPTER XXVIII.

SUDDER COURT AS A COURT OF REFERENCE.

Constitution of Court for hearing case referred for confirmation of sentence.

398. A case referred to a Sudder Court by a Court of Session for confirmation of a sentence of death shall be heard by a Court constituted by two or more Judges of such Sudder Court.

Power of Sudder Court to confirm, reverse, &c., sentence.

399. In any case so referred, the Sudder Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge. If the case shall have been tried by the Court of Session with the aid of Assessors, it shall further be competent to the Sudder Court to acquit the accused person and order his discharge.

Competence of Sudder Court to direct further enquiry, &c.

400. If the case so referred shall have been tried by the Court of Session with the aid of Assessors, it shall be competent to the Sudder Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, to direct such enquiry to be made, or such additional evidence to be taken. The result of the further enquiry and the additional evidence shall be certified to the Sudder Court, and the Sudder Court shall thereupon proceed to pass judgment of acquittal or such sentence as to the Court shall seem right.

401.

Confirmation or new sentence must be signed by two Judges.

401. In every case so referred to the Sudder Court, the confirmation of the sentence or any new sentence or order passed by the Sudder Court shall be signed by at least two Judges of the Court.

CHAPTER XXIX.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

402. The Sudder Court, in any case tried by the Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it shall appear that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence; and thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

Revision of trials.

403. The Sudder Court, in any case tried before a Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it shall appear that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the Sudder Court, may call for the record, or such portion thereof as it may deem necessary, together with a report of the Judge's direction to the Jury, if the case have been tried by a Jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such order as to the Sudder Court shall seem right.

General power of revision by the Sudder Court.

404. The Sudder Court may, on the report of a Court of Session or of a Magistrate, or whenever it thinks fit, call for the record of any criminal trial or the record of any judicial proceeding of a Criminal Court, other than a criminal trial, in any Court within its jurisdiction, in which it shall appear to it that there has been error in the decision on a point of law, or that a point of law should be considered by the Sudder Court, and may determine any point of law arising out of the case, and thereupon pass such order as to the Sudder Court shall seem right.

405. It shall be lawful for the Sudder Court to call for and examine the record of any case tried by any Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity of the proceedings of such Court. If it appear to the Sudder Court that the sentence passed is too severe, the Sudder Court may pass any mitigated sentence warranted by law. If the Sudder Court shall be of opinion that the sentence or order is contrary to law, the Sudder Court shall reverse the sentence or order and pass such judgment, sentence, or order as to the Court shall seem right, or, if it deem necessary, may order a new trial.

Sudder Court empowered to call for and examine records of Court of Session.

406. Whenever a case shall be revised by the Sudder Court under this Chapter, the Sudder Court shall certify its decision or order to the Court in which the conviction was had or by which the order was passed, and such Court shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary amend the record in accordance therewith. Provided that, in any case which shall be revised by the Sudder Court under this Chapter, it shall not be competent to the Sudder Court to reverse the verdict of the Jury, or, except as provided in this Chapter, to alter or reverse the sentence or order of the Court below.

Proceedings of a case revised by Sudder Court to be certified to Court in which conviction was had.

Proviso.

CHAPTER XXX.

APPEALS.

407. There shall be no appeal from a judgment of acquittal passed in any Criminal Court.

No appeal in cases of acquittal.

408. Any person convicted on a trial held by a Court of Session may appeal to the Sudder Court. If the conviction was in a trial held with the aid of Assessors, the appeal may be on a matter of fact as well as on a matter of law. If the conviction was on a trial by Jury, the appeal shall be admissible on a matter of law only.

Appeals in what cases in trials by Jury or with Assessors.

409. Any person convicted on a trial held by the Magistrate of the District or other Officer exercising the powers of a Magistrate, or required by such Magistrate or other Officer under Section 295 or Section 296 of this Act to give security for good behaviour, may appeal to the Court of Session to which such Magistrate or other Officer is subordinate.

Appeals from Magistrates.

Appeals from Justices of the Peace.

410. Any person convicted and sentenced by any Justice of the Peace exercising jurisdiction under the Statute 53 George III, c. 155, s. 105, or under Act VII of 1853 *(to extend the jurisdiction of Magistrates under the 53 George III, c. 155, s. 105 in cases of assault, forcible entries, and other injuries accompanied with force, not being felonies)*, or under Section 163 or 165 of this Act, may appeal to the Court of Session having jurisdiction at the place at which the appeal would have been heard had the sentence been passed by a Magistrate subordinate to such Court. Cases appealed under this Section shall not be afterwards liable to revision by means of a writ of *certiorari*. Provided that nothing in this Section shall be held to take away the power of quashing any conviction by means of a writ of *certiorari* in any other case than when there has been such an appeal as aforesaid.

No appeal in certain criminal cases.

411. In all cases in which a Court of Session or the Magistrate of a District or other Officer exercising the powers of a Magistrate shall pass a sentence of imprisonment not exceeding one month, or of a fine not exceeding fifty Rupees, no appeal shall be allowed.

Appeals from Officers exercising powers less than those of a Magistrate.

412. Any person convicted on a trial held by an Officer exercising powers less than those of a Magistrate, may appeal to the Magistrate of the District or other Officer exercising the powers of a Magistrate who shall have been empowered by the Government to hear such appeals.

Appeals from orders under Chapter X.

413. Any person convicted by any Civil Court under Chapter X of this Act, may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in Sections 416, 417, 418, 419, and 421 of this Act. Petitions of appeal under this Section, if presented to any District Court, must be presented within thirty days immediately following and exclusive of the day on which the sentence or order appealed against is passed. Petitions of appeal to the Sudder Court must be presented within sixty days calculated as above. The Sudder and District Courts may admit an appeal after the time herein provided on sufficient cause shown.

Unless otherwise provided, no appeal to lie from any order or sentence of a Criminal Court.

414. Unless otherwise provided by this Act or by any other law for the time being in force, no appeal shall lie from any order or sentence of a Criminal Court.

415. Petitions of appeal to the Court of Session or to any Court subordinate to the Court of Session must be presented within thirty days immediately following and exclusive of the day on which the sentence or order appealed against is passed. Petitions of appeal to the Sudder Court must be presented within sixty days calculated as above. The Sudder Court and the Court of Session may admit an appeal after the time herein provided on sufficient cause shown.

Period for presenting petitions of appeal.

416. Every petition of appeal shall be accompanied by a copy of the sentence or order appealed against.

Copy of judgment to accompany petition.

417. It shall be competent to the Appellate Court to reject the appeal if, on a perusal of the petition of appeal and the copy of the sentence or order appealed against, and after hearing the appellant or his counsel or agent if they appear, the Court shall consider that there is no sufficient ground for questioning the correctness of the decision or for interfering with the sentence or order appealed against. Before rejecting the appeal, the Court may call for and peruse any part of the proceedings of the lower Court, but shall not be bound so to do.

Appellate Court may reject petition of appeal.

418. If the party appealing be in Jail in pursuance of the sentence or order appealed against, he shall be at liberty to present his petition of appeal and the copy of the sentence or order appealed against, to the Magistrate or other Officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

Appeal by party in Jail.

419. The Appellate Court, after perusing the proceedings of the lower Court, and after hearing the plaintiff or his counsel or agent if they appear, may alter or reverse the finding and sentence or order of such Court, but not so as to enhance any punishment that shall have been awarded.

Appellate Court may call for the proceedings of lower Court.

420. The sentence or order of the Sudder Court, modifying, amending, or reversing the sentence or order of a lower Court on appeal or revision, shall be signed by at least two Judges of such Sudder Court.

The signature of two Judges necessary.

421. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail.

Appellate Court may suspend sentence pending appeal, and release defendant on bail.

422.

422. In any case in which an appeal has been allowed, it shall be competent to the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such enquiry to be made and additional evidence to be taken. The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to pass such judgment, sentence, or order as to such Court shall seem right.

Appellate Court may direct further enquiry, &c.

423. No finding by a Court of the offence of dishonest misappropriation of property under Section 403 of the Indian Penal Code, or of dishonest misappropriation of property possessed by a deceased person at the time of his death under Section 404 of the said Code, or of criminal breach of trust under Section 405 of the said Code, or of criminal breach of trust by a carrier wharfinger or warehouse-keeper under Section 407 of the said Code, or of criminal breach of trust as a clerk or servant under Section 408 of the said Code, shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was the offence of theft under Section 378 of the said Code, or the offence of theft in a building tent or vessel under Section 380 of the said Code, or the offence of theft as a clerk or servant of property in the possession of his master under Section 381 of the said Code.

Finding of dishonest misappropriation not reversible on the ground of the offence proved being theft.

424. No finding by a Court of the offence of theft under the said Section 378 of the Indian Penal Code, or of theft in a building tent or vessel under the said Section 380, or of theft as a clerk or servant of property in the possession of his master under the said Section 381, shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was the offence of dishonest misappropriation of property under the said Section 403, or the offence of dishonest misappropriation of property possessed by a deceased person at the time of his death under the said Section 404, or the offence of such dishonest misappropriation under the said Section, the offender being at the time of the person's decease employed by him as a clerk or servant, or the offence of criminal breach of trust under the said Section 405, or the offence of criminal breach of trust as a carrier wharfinger or warehouse-keeper under the said Section 407, or the offence of criminal breach of trust as a clerk or servant under the said Section 408.

Finding of theft not reversible on the ground of the offence proved being dishonest misappropriation.

425. Provided that nothing in the last two Sections shall preclude the Appellate Court in any case mentioned therein from reducing the punishment awarded by a lower Court in such case, within the limits prescribed for the offence which such Appellate Court shall consider to have been proved by the evidence against the accused person.

Saving of power of Appellate Court to reduce punishment awarded under last two Sections.

426. No finding or sentence passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account of any error or defect either in the charge or in the proceedings on trial, unless the accused person shall have been sentenced to a larger amount of punishment than could be awarded for the offence of which, in the judgment of the Appellate Court, the accused person ought upon the evidence to have been found guilty, or unless, in the judgment of the Appellate Court, the accused person shall have been prejudiced by such error or defect; and in case the accused person shall have been sentenced to a larger amount of punishment than could have been awarded for the offence which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

Finding or sentence not ordinarily reversible by reason of error or defect in the charge or the proceedings.

Appellate Court may reduce punishment.

427. When a Court subordinate to a Court of Session shall have convicted a person of an offence not triable by such Court, it shall be competent to the Appellate Court to annul the conviction and sentence of such Court, and to direct the trial of the case by a Court of competent jurisdiction.

Court of appeal how to proceed in case of conviction by a Court not having jurisdiction.

428. Except as provided in Section 405 of this Act, sentences and orders passed by an Appellate Court upon appeal shall be final.

Finality of orders on appeal.

CHAPTER XXXI.

General Rules.

429. Every sentence or final order of a Criminal Court, together with the reasons for making or passing the same, shall be written in the vernacular language of the presiding Officer, and shall be dated and signed by such Officer at the time of his making or passing the same, and the original shall be filed with the record or proceedings, and a translation

In what language sentence to be written.

translation thereof, where the original is recorded in a different language from that in ordinary use in proceedings before such Officer, shall be incorporated in the record of the sentence or order.

When it may be written in English.

430. If the vernacular language of the presiding Officer be not English, and the Officer be sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefer to write the same in that language, the sentence or final order may be written in English.

Employment of interpreter.

431. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, such interpreter shall be sworn, in the manner provided for witnesses by any law for the time being in force, to interpret truly such evidence or statement, and such interpreter shall be bound to state the truth in his interpretation of such evidence or statement.

Right of accused to be defended by Counsel.

432. Every person charged before any Criminal Court with an offence may of right be defended by Counsel or authorized agent.

Confinement of youthful offenders in reformatories.

433. When any person under the age of sixteen years shall be sentenced by any Magistrate or Court of Session to imprisonment for any offence, it shall be lawful for such Magistrate or Court to direct that such offender, instead of being imprisoned in the Criminal Jail, shall be confined in any reformatory which may be recognised by the local Government as a fit place for confinement, in which there may be means of suitable discipline and of training in some branch of useful industry, and which shall be kept by a person willing to obey such rules as the Government may direct with regard to the discipline and training of persons confined therein. All persons confined under this Section shall be subject to the rules so laid down by Government.

Powers of Court of Session and Magistrate to regulate the proceedings of subordinate Courts.

434. It shall be at all times lawful for a Court of Session and for a Magistrate to call for and examine the record of any Court immediately subordinate to such Court or Magistrate for the purpose of satisfying themselves as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court. If the Court of Session or Magistrate shall be of opinion that the sentence or order is contrary to law, the Court or Magistrate shall

shall refer the proceedings for the orders of the Sudder Court. It shall not be lawful for any other Court than the Sudder Court to alter any sentence or order of any subordinate Court except upon appeal by parties concerned duly made according to the provisions of Chapter XXX of this Act.

When Court of Session may order commitment of party discharged by Magistrate.

435. In the case of offences not triable by the Magistrate, the Court of Session may order the commitment to the Court of Session of any accused person who may have been discharged by the Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which the Magistrate may have dismissed without enquiry.

Power of Court of Session to direct bail.

436. The Court of Session may direct that any accused person shall be admitted to bail or that the bail required by a Magistrate be reduced.

Deposit may be made instead of bail.

437. When any person is required by any Criminal Court to give bail, it shall be lawful to such Court to permit such person to deposit a sum of money or Government Promissory notes to such amount as such Court may fix in lieu of such bail.

Expenses of prosecutors and witnesses.

438. It shall be lawful for the Court of Session, in any case in which it shall appear proper, to order payment by or on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

No trial, &c., to be set aside for irregularity of procedure.

439. No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed either on appeal or otherwise for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

Copy of sentence or order to be furnished on application.

440. A copy of the final sentence or order passed by any Criminal Court shall be furnished without delay on the application of any party to the case in which such sentence or order was passed. Such copy shall be made at the expense of the party applying for it, unless such party is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court shall for any special reason see fit to grant such copy free of expense.

441.

441. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Chief Commissioner of Police, the Police Magistrates, or the Police of the Towns of Calcutta, Madras, and Bombay and the Settlement of Prince of Wales' Island, Singapore, and Malacca, except so far as this Act expressly provides for the same.

Act not to take effect in Presidency Towns or Straits Settlement.

442. Nothing in this Act shall be held to alter or affect the jurisdiction, duties, or procedure of landholders specially empowered according to law in the Presidency of Bombay, nor to alter or affect the jurisdiction or procedure of the Heads of Villages in the Presidency of Fort Saint George, nor to alter or affect the jurisdiction, duties, or procedure of Village Police Officers in the Presidency of Bombay, nor to alter or affect the jurisdiction or procedure of any Officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in Military Bazars at Cantonments and Stations occupied by the Troops of those Presidencies respectively.

Saving of jurisdiction and procedure of Heads of Villages, Village Police Officers, &c.

Of Officers exercising jurisdiction over petty offences in Military Cantonments.

443. The Sudder Court shall have power to make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it, and also to frame forms (when not prescribed by this Act) for every proceeding in the said Courts for which it shall think necessary that a form should be provided, for keeping all books, entries, and accounts to be kept in such Courts, and for the preparation and transmission of any calendars or statements to be prepared and submitted by such Courts, and from time to time to alter any such rule or form, provided that such rules and forms be not inconsistent with the provisions of this Act or of any other law in force. Any rules framed by the Court under this Section shall be published in the Official Gazette.

Sudder Court to make general rules for regulating proceedings, &c.

444. The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which, after the passing of this Act, shall be instituted in any Court.

Procedure of this Act to be followed in miscellaneous criminal cases and proceedings.

445. This Act shall come into operation in the Presidencies of Bengal, Madras, and Bombay on the 1st day of January 1862, but shall not take effect in any part of the territories in British India not subject to the General Regulations of Bengal

Commencement and operation of Act.

Bengal, Madras, or Bombay, until the same shall be extended thereto by the Governor General of India in Council or by the local Government to which such territory is subordinate, and until such extension shall have been notified in the Gazette.

APPENDIX OF FORMS.

A.

FORM OF SUMMONS (*Section* 69.)

To A. B., of

Whereas your attendance is necessary to answer to a charge of (*state shortly the offence charged*): You are hereby required to appear in person or by authorized Agent, as the case may be, before the [Magistrate] of on the day of Herein fail not.

(*Signature and Seal*)

Dated the day of

B.

FORM OF WARRANT (*Section* 76)

To (*name and designation of the person or persons who are to execute the warrant*).

Whereas of stands charged with the offence of (*state the offence*). You are hereby directed to apprehend the said and to produce him before me. Herein fail not.

(*Signature and Seal.*)

This warrant may be endorsed as follows:—

If the said shall give bail, himself in the sum of with one surety in the sum of (or two sureties each in the sum of) to appear before me on the day of he may be released.

Dated *Signature.*

C.

FORM OF WARRANT OF COMMITMENT.

(*Section* 222.)

To Jailor of

Whereas of is charged with (*state the offence in respect of which the prisoner is charged; and the authority of the Committing Officer*) :

Officer): You are hereby required to receive the said into your custody in the said Jail of and him there safely to keep until he shall be thence delivered by due course of law.

Dated the day of

D.

FORM OF BOND TO KEEP THE PEACE.

(*Section* 284.)

Whereas I inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of

Rupees.

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above said that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of

Rupees.

Dated

E.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

(*Sections* 158 and 232.)

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next, and then and there to prosecute (or, as the case may be, to prosecute and give evidence or to give evidence) in the matter

matter of a charge of against one A. B.; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of Rupees.

F.

FORM OF BOND FOR GOOD BEHAVIOUR *(Section* 300.)

Whereas I inhabitant of have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of , I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of Rupees.

Dated ·

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above said that he shall be of good behaviour to Her Majesty and to all her subjects during the said term ; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of Rupees.

SCHEDULE.—(*Referred to in Section 22 and elsewhere in this Act.*)

Explanatory Notes—1st.—The entries in the 2nd and 6th Columns of the Schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the Offences and Punishments described in the several corresponding Sections of the Indian Penal Code, or even as abstracts of those Sections, but merely as references to the subject of the Section, the number of which is given in the 1st Column

2nd.—The term "Whether bailable or not," in Column 5, is to be taken in connection with the provisions of Sections 212 and 213 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in Column 7. For example, a Court of Session may try an offence entered in Column 7 as triable by a Magistrate.

4th.—Any offence which is triable by an Officer exercising the powers of a Magistrate may be tried by a Subordinate Judge or a Principal Sudder Ameen in the Presidency of Fort St. George.

5th.—The words "Magistrate of the District," as used in Column 7, shall include any Officer exercising the powers of a Magistrate.

6th.—The words "any Magistrate," as used in Column 7, shall include any Subordinate Magistrate of the 1st or 2nd Class.

7th.—In the Territories in British India to which the General Regulations of Bengal, Madras, and Bombay do not extend, the powers given by this Act shall be exercised by such Officers as the Local Government of those Territories respectively shall appoint.

CHAPTER V.—OF ABETMENT.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
109	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto, ...	Ditto, ...	Ditto, ...	The same punishment as for the offence intended to be abetted.	Ditto.

1 Section	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
113	When an effect is caused by the act abetted different from that intended by the abettor.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence committed	By the Court by which the offence abetted is triable.
114	If abettor is present when offence is committed....	Ditto, ...	Ditto, ...	Ditto, ...	The same punishment as for the offence abetted.	Ditto.
115	Abetment of an offence punishable with death or transportation for life if the offence be not committed in consequence of the abetment.	Ditto, ...	Ditto.	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to $\frac{1}{4}$ part of the longest term and of any description provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to $\frac{1}{2}$ of the longest term and of any description provided for the offence, or fine, or both.	Ditto.

117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto, ...	Ditto, ...	According as the offence abetted is bailable or not.	Imprisonment extending to $\frac{1}{2}$ of the longest term and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed, ...	Ditto, ...	Ditto, ...	According as the offence abetted is bailable or not.	Imprisonment extending to $\frac{1}{4}$ part of the longest term and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to $\frac{1}{4}$ part of the longest term and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to $\frac{1}{8}$ part of the longest term and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
121	Waging or attempting to wage war, or abbetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Death, or transportation for life, and forfeiture of property.	Court of Session.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
124	Assaulting Governor-General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.

127	Receiving property taken by war or depredation mentioned in Sections 125 and 126.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
128	Public servant voluntarily allowing Prisoner of State or War in his custody to escape.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering Prisoner of State or War in his custody to escape.	Ditto, ...	Ditto.	Bailable, ...	Simple imprisonment for 3 years and fine.	Ditto.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from his allegiance or duty.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Death or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
133	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer when in the execution of his office.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
134	Abetment of such assault, if the assault is committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
135	Abetment of the desertion of an Officer, Soldier, or Sailor.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a Warrant or a Summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
136	Harbouring an Officer, Soldier, or Sailor who has deserted.	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Fine of 500 Rs., ...	Ditto.
138	Abetment of act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant, ..	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being a member of an unlawful assembly, ...	May arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse,	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
147	Rioting, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
148	Rioting armed with a deadly weapon, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence, or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence.	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto, ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto, ...	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed, ...	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

CHAPTER VIII.—OFFENCES AGAINST PUBLIC TRANQUILLITY.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Fine of 1,000 Rupees,	Magistrate of the District, or Subordinate Magistrate of 1st Class.
155	Person for whose benefit, or on whose behalf a riot takes place, not using all lawful means to prevent it	Ditto, ...	Ditto, ...	Ditto, ...	Fine, ...	Ditto.
156	Agent of owner or occupier, for whose benefit a riot is committed, not using all lawful means to prevent it.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
157	Harbouring persons hired for an unlawful assembly,	May arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	Or to go armed, ...	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray, ...	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of 100 Rs., or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding Sections with reference to himself.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade, ...	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
170	Personating a public servant, ...	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by Public servant with fraudulent intent.	Ditto.	Summons, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine, of 200 Rs., or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Ditto.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.

174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Ditto.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If the information required respects the commission of on offence, &c.	Shall not arrest without warrant,	Summons, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
178	Refusing oath when duly required to take oath by a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 3 months, or fine of 500 Rs., or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.

182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of 500 Rs., or both.	Ditto.
185	Bidding, by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of 200 Rs., or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.
	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 500 Rs., or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.
	If such disobedience causes danger to human life, health, or safety, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant,	Warrant, ...	Bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	Giving or fabricating false evidence in any other case.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
	If innocent person be thereby convicted and executed.	Ditto, ...	Ditto, ...	Ditto, ...	Death or as above, ...	Ditto.

195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto, ...	Ditto, ...	Ditto, ...	The same as for the offence.	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto, ...	Ditto, ...	According as the offence of giving such evidence is bailable or not,	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto, ...	Ditto, ...	Bailable, ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
200	Using as true any such declaration known to be false.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If punishable with transportation, or imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If punishable with less than 10 years' imprisonment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both	By the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
203	Giving false information respecting an offence committed.	Shall not arrest without warrant,	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Magistrate of the District.
209	False claim in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years and fine.	Ditto.

210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure,	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender if the offence be capital,	May arrest without warrant,	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If punishable with imprisonment for 1 year, and not for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant,	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for less than 10 years, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instances.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Shall not arrest without warrant,	Warrant, ...	Bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for less than 10 years, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.
215	Taking gift to help to recover moveable property, of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for 1 year and not for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.

217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant,	Summons, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class only.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto.	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with transportation for life or imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, with or without fine.	Ditto.
	If with imprisonment for less than 10 years, ...	Ditto.	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
223	Escape from confinement negligently suffered by a public servant.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant. ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto, ...
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...
	If charged with an offence punishable with transportation for life or imprisonment for 10 years.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence,...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	If under sentence of death, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

226	Unlawful return from transportation, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, and fine, and rigorous imprisonment for 3 years before transportation.	Ditto.
227	Violation of condition of remission of punishment,	Shall not arrest without warrant,	Summons, ...	Ditto, ...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding,	Ditto, ...	Ditto, ...	Bailable, ...	Simple imprisonment for 6 months, or fine of 1,000 Rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter X. of this Code.
229	Personation of a juror or assessor, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeting Coin.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—*(Continued)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin,	May arrest without warrant,	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine	Ditto.
	If Queen's Coin, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
236	Abetting in India the counterfeiting out of British India of Coin.	Ditto, ...	Ditto, ...	Ditto, ...	The punishment provided for abetting the counterfeiting of such Coin within British India.	Ditto.
237	Import or Export of counterfeit Coin, knowing the same to be counterfeit.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
238	Import or Export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years and fine.	Ditto.

240	The same with respect to the Queen's Coin, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
245	Unlawfully taking from a Mint any Coining instrument.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any Coin with intent that it shall pass as a coin of a different description.	Ditto, ...	Ditto, ...	Ditto.	Imprisonment of either description for 3 years and fine.	Ditto.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.

CHAPTER XI.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	May arrest without warrant,	Warrant, ...	Not bailable, ...	Imprisonment of either description for 5 years and fine.	Court of Session.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to altered.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
25	Counterfeiting a Government Stamp, ...	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 10 years and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.

257	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
258	Sale of counterfeit Government Stamp, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
259	Having possession of a counterfeit Government Stamp.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
260	Using as genuine a Government Stamp known to be counterfeit.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a Stamp used for it with intent to cause wrongful loss to Government.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government Stamp known to have been before used.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
263	Erasure of mark denoting that Stamp has been used.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
265	Fraudulent use of false weight or measure, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule, ...	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation, known to have been adulterated.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...

276	Knowingly selling or issuing from a dispensary any drug or medical preparation, as a different drug or medical preparation.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
277	Defiling the water of a public spring or reservoir,	May arrest with-warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Ditto.
278	Making atmosphere noxious to health, ...	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Fine of 500 Rs., ...	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
281	Exhibition of a false light, mark, or buoy, ...	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subdinate Magistrate of 1st Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto, ...	Ditto, ...	Ditto, ...	Fine of 200 Rs.	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
286	So dealing with any explosive substance, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.—(*Continued*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not	6. Punishment under the Indian Penal Code.	7. By what Court triable.
287	So dealing with any machinery, ...	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class
288	A person omitting to guard against probable danger to human life, by the fall of any building, over which he has a right entitling him to pull it down or repair it.	May arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
290	Committing a public nuisance, ...	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Fine of 200 Rs., ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto, ...	Ditto, ...	Simple inprisonment for 6 months, or fine, or both.	Ditto.
292	Sale, &c., of obscene books &c., ...	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
294	Obscene songs, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

302	Murder, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto, ...	Ditto, ...	Ditto, ...	Death, ...	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant, ...	Warrant, ...	Not bailable, ...	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	If such act cause hurt to any person, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life or as above.	Ditto.
308	Attempt to commit culpable homicide, ...	Ditto.	Ditto, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide, ...	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year and fine.	Magistrate of the District.
311	Being a thug, ...	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, and fine.	Court of Session.

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.

312	Causing miscarriage, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent, ...	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto, ...	Bailable, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Hurt.

1. Section.	2. Offences.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
323	Voluntarily causing hurt, ...	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
325	Voluntarily causing grievous hurt, ..	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto, ...	Ditto, ...	Not Bailable, ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto, ...	Ditto, ...	Not Bailable, ...	Imprisonment of either description for 10 years and fine.	Ditto.
334	Voluntarily causing hurt on grave and sudden provocation not intending to hurt any other than the person who gave the provocation.	Ditto, ...	Summons, ...	Bailable, ...	Imprisonment of either description for 1 month, or fine of 500 Rs., or both.	Any Magistrate.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 4 years, or fine of 2,000 Rs., or both.	Court of Session or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 250 Rs., or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 500 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine of 1,000 Rs., or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(Continued.)

Of wrongful Restraint and wrongful Confinement.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
341	Wrongfully restraining any person, ...	May arrest without warrant.	Summons, ...	Bailable, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Any Magistrate.
342	Wrongfully confining any person, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
343	Wrongfully confining for three or more days, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other Section.	Court of Session.
346	Wrongful confinement in secret, ...	May arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
355	Assault or criminal force with intent to dishonor a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Ditto, ...	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Ditto, ...	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
363	Kidnapping, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
364	Kidnapping or abducting in order to murder, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto, ...	Ditto, ...	Ditto, ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
370	Buying or disposing of any person as a slave, ...	Shall not arrest without warrant.	Ditto, ...	Bailable, ...	Ditto, ...	Ditto.

371	Habitual dealing in slaves, ...	May arrest without warrant.	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
374	Unlawful compulsory labor,...	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences, ...	May arrest without warrant.	Warrant, ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft, ...	May arrest without warrant.	Warrant, ...	Not bailable,	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Theft.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
380	Theft in a building, tent, or vessel, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session or Magistrate of the District.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it or to retaining property taken by it.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

Of Extortion.

384	Extortion, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

386	Extortion by putting a person in fear of death or grievous hurt.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 year and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life.	Ditto.

Of Robbery and Dacoity.

392	Robbery, ...	May arest without warrant.	Warrant	Not bailable, ...	Rigorous imprisonment for 10 years and fine.	Court of Session
	If committed on the highway between sunset and sunrise.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery, ...	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity,...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	8. By what Court triable.
396	Murder in dacoity, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
399	Making preparation to commit dacoity, ...	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonmont of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If by clerk or person employed by deceased, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust,	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto, ...	Ditto.	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
408	Criminal breach of trust by a clerk or servant, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of the receiving of Stolen Property.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant	Not bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

Of Cheating.

417	Cheating, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
419	Cheating by personation, ...	Ditto,	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the altering or destroying of a valuable security.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Mischief.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
426	Mischief, ...	Shall not arrrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
428	Mischief by killing, poisoning, maiming, or rendering useless, any animal of the value of 10 Rupees or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
429	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 Rupees or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a land-mark fixed by public authority.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 Rupees or upwards.	May arrest without warrant, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last Section when committed by fire or any explosive substance.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto,... ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years and fine.	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Trespass.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
447	Criminal trespass, ...	May arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.
448	House-trespass, ...	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 2 years and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft, ...	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
453	Lurking house-trespass or house-breaking, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Court of Session.
456	Lurking house-trespass or house-breaking by night,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years and fine.	Court of Session, or Magistrate of the District.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Trespass—(Continued).

1. ection.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If the offence is theft, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 14 years and fine.	Court of Session, or Magitrate of the District.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
468	Forgery for the purpose of cheating, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto, ...	Ditto, ...	Ditto, ...	Punishment for forgery.	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrent or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the document is a valuable security or will, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life or as above, ...	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in Section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in Section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
	Of Trade and Property-Marks.					
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest wtihout warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto, ...
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistate of 1st Class.
488	Making use of any such false mark, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magis- of 1st Class.

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Court.	7. By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 1 month, or fine of 100 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 200 Rs., or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 10 years and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 7 years and fine.	Ditto.

495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 10 years and fine.	Ditto,
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery, ...	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
	CHAPTER XXI.—OF DEFAMATION.					
500	Defamation, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.					
504	Insult intended to provoke a breach of the peace,	Shall not arrest without warrant.	Warrant, ...	Bailable,	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto, ...	Ditto, ...	Not bailable, ...	Ditto, ...	Magistrate of the District.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Court.	7. By what Court triable.
506	Criminal intimidation, ...	Shall not arrest without warrant.	Warrant, ...	Bailable,	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If threat be to cause death or grievous hurt, &c.,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, in addition to the punishment under above Section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for one year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 24 hours, or fine of 10 Rs., or both.	Any Magistrate.

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

ACT No. XXVI OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

An Act to regulate the occupation of land in the Settlement of Malacca.

Preamble.

WHEREAS doubts have arisen as to the power of Her Majesty to convey in fee simple in the District of Malacca (within the Settlement of Malacca), the lands in which certain rights and interests were surrendered to the Honorable the East India Company in the years 1828 and 1829, and whereas it is expedient to remove such doubts, and to declare the rights of Her Majesty in respect to such lands, and otherwise to amend the law relating to the occupation of land situate within the Settlement of Malacca; It is enacted as follows :—

Certain lands surrendered to the East India Company declared to be vested in the Queen.

I. The lands in the District of Malacca in which certain rights and interests were surrendered to the East India Company in the years 1828 and 1829, on condition that a certain amount then settled and agreed upon should be paid by the Government annually, so long as the British rule in the said District continued, to every person making such surrender, and on condition also that every such person in the event of the cessation of the British rule in the said District should resume the rights then conditionally surrendered to the British Government, are hereby declared to be vested in fee simple in Her Majesty the Queen, Her Heirs, and Successors (saving always any rights or interests lawfully vested in any under-tenants and cultivators holding or occupying any portion of such lands), and any conveyance which after the passing of this Act shall be made by Her Majesty, Her Heirs, and Successors of any of the said lands in fee simple or otherwise (not inconsistent with the rights or interests aforesaid of such under-tenants and cultivators) shall be good and valid for all intents and purposes whatsoever.

II. The

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Payment of annuities to the grantees or proprietors of the surrendered estates.

11. The annuities stipulated to be paid to the persons who surrendered the rights and interests aforesaid, shall be paid as a perpetual annuity to the said persons or their heirs or representatives by the Government of India, but it shall be lawful for the Governor-General of India in Council to commute the perpetual annuity payable to any such annuitant, for such sum and on such terms as may with such annuitant be agreed upon in full discharge of the perpetual annuity so commuted and of all rights or obligations whatsoever connected therewith. In the event of a cessation of British rule in the said District, nothing in this Section shall interfere with the claim of any person then enjoying an uncommuted annuity under this Section, to a money compensation from the Government equal to the then value of any right or interest in land surrendered by him as described in the last Section, which but for the passing of this Act would then have reverted to him. No such surrendered right or interest in such land shall then revert to or revive in any such annuitant, nor shall any such annuitant have a claim in connection with any such right or interest to aught but a money compensation from the Government.

Cultivators and tenants subject to payment to Government of one-tenth of produce.

III. All cultivators and resident tenants of the lands referred to in the first Section of this Act, as well as in the District of Naning, who hold their lands by prescription, are hereby declared to be and shall be subject to a payment of one-tenth part of the produce thereof to Government; such payment to be made in kind or in the form of a sum of money fixed in commutation of the payment in kind; and all other cultivators and under-tenants who now occupy or hold or shall occupy or hold any of such lands as aforesaid, are hereby declared to have been and shall be liable, as directed in Section II of Act XVI of 1839 (*relating to Prince of Wales' Island, Singapore, and Malacca*), to be assessed in such manner, at such rate, and under such conditions as the Resident Councillor of Malacca, with the authority of the Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca, may determine. Nothing in this Section shall be taken to effect any engagement entered into for a specific time or upon specific conditions between any cultivator or tenant and the Resident Councillor or other person acting on behalf of the local Government during the pendency thereof.

Proviso.

IV. It

IV. It shall be lawful for the Governor of Prince of Wales' Island, Singapore, and Malacca to commute the payment, whether in kind or money, to which any person is liable under the last preceding Section, for a sum to be fixed at the discretion of the said Governor and for an annual quit-rent, and on the payment of the sum and quit-rent so fixed upon, the lands in respect of which such commutation is made shall be held subject to the terms of such commutation and free from liability to the payment provided for in the last preceding Section.

Commutation of a fixed sum for an annual payment.

V. It shall be lawful for the Governor aforesaid, any provision in Section V of the said Act XVI of 1839 to the contrary notwithstanding, to direct any lease, granted or to be granted under that Section, to be granted in perpetuity or for such term as to such Governor may seem proper, and, subject to such quit-rent as may be agreed upon, to transfer to, and vest absolutely in, any person or persons any portion of the waste or forest land situated within the lands aforesaid or within the District of Naning, on the payment of a sum fixed as provided in the last foregoing Section, free of any liability for the payment of annual rent.

Grant of leases.

VI. It shall not be competent to any party to claim, on the ground of prescriptive right or of possession, any forest, waste, or other uncultivated land situated within the lands, grants, or estates aforesaid or within the District of Naning, unless the same, having been before cultivated or occupied for some beneficial purpose, shall have fallen out of cultivation or use within three years from the passing of this Act; provided that any tenant, cultivator, or other occupier of cultivated land within the lands or District aforesaid, shall be permitted to engage for unoccupied, forest, waste, or other uncultivated land situated within or next adjoining the boundaries of the cultivated land held or occupied by him, to the extent of one-fourth thereof; and any order made in this matter by any person empowered in that behalf by the Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca shall be final, subject only to revision by such Governor in any case in which he may think revision called for.

Claims to waste lands.

VII. It shall be lawful for the Governor aforesaid to cause a survey or measurement to be made of all the land of the Settlement of Malacca and of the District of Naning or any portion thereof, at such time and by one or more persons as he may direct, and any person so empowered by the Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca may require by a summons under his hand any person resident within such Settlement or District to attend before him, and if necessary to produce any document relating to the right to any land or interest in land situated within such Settlement or District; and the person empowered as aforesaid may examine upon oath or solemn affirmation having the force of an oath, any person so summoned touching the right to any such land or interest in such land.

Survey or measurement of land.

VIII. If any person, resident within the said Settlement of Malacca, who shall be required by a summons issued under the last preceding Section to appear at a certain place and time for the purpose of attending at a survey or measurement under the said Section, or to produce before any person empowered under the said Section any such document as is mentioned in the said Section, intentionally omits to attend at that place or time or departs from the place where he is bound to attend without the permission of the person so empowered, or intentionally omits to produce such document before such person, he shall, on summary conviction before any Criminal Court within whose jurisdiction the offence is committed, be liable to be punished with simple imprisonment in the Civil Jail for a term that may extend to one month, or with fine that may extend to one hundred Rupees, or with both.

Penalty for non-attendance when submitted to a measurement.

IX. Any person so empowered as aforesaid may define by such marks as he may think fit the boundaries of any land held or occupied by any tenant, cultivator, or other occupier; and if, in the course of survey or measurement or in the course of making any settlement, transfer, or assignment, any dispute shall arise as to the right of possession of any land between two or more persons claiming to possess the same as tenants, cultivators, or occupiers, or between one or more such persons and any grantee or proprietor of any lands in the Settlement of Malacca not surrendered in the manner recited in Section

Adjudication of disputed possession.

1 of

I of this Act, or any person holding under such grantee or proprietor, any person empowered as aforesaid shall after enquiry make an order in favor of the party who may appear to have the best title, and shall put in possession the party in whose favor an award is so made.

Effect of award under preceding Section.

X. Any award made under the last foregoing Section shall be final, unless within two months from the date of the award any of the parties thereto shall move the Court of Judicature of Malacca to set it aside, and such Court may on such motion confirm, set aside, or modify such award.

Construction.

XI. Sections VII, VIII, IX, X, XIV, and XV of Act X of 1837 (*relating to claims to lands in Prince of Wales' Island, Singapore, and Malacca*) shall, so far as applicable, be read as part of this Act

Governor to be guided by instructions from the Government of India.

XII. The Governor of the Settlement of Prince of Wales' Island, Singapore, and Malacca, in the exercise of any authority vested in him by this Act, shall be guided by such instructions as he shall from time to time receive from the Governor-General of India in Council.

No exemption to be granted from Municipal rates.

XIII. Nothing in this Act shall be held to warrant any exemption being granted or allowed in favor of any owner or occupier of land in respect of the Municipal rates and taxes levied under Act XXV of 1856 (*to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*) or Act XXVII of 1856 (*for appointing Municipal Commissioners, and for levying rates and taxes in the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*).

ACT No. XXVII OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 7th September 1861.)

An Act to regulate the administration of Port Blair and other Settlements in the Andaman Islands.

Preamble.

WHEREAS the Settlement of Port Blair including the territory thereto attached, within the Andaman Group of Islands, is occupied as a Penal Settlement for convicts sentenced by the Courts of British India to transportation, and it is expedient to provide for the admission and residence of other persons than convicts within the said Settlement; and whereas it is expedient to provide in like manner for any other Settlements that may be formed in the said Islands, as well as for the occupation of land and the general administration of such Settlements; It is enacted as follows:—

Land vested absolutely in Government.

I. The land of the Settlement of Port Blair and of any other Settlement that may hereafter be formed by the Government of India in the Andaman Group of Islands is vested absolutely in Her Majesty the Queen, and such land shall not be sold, leased, or otherwise transferred to or be acquired by any person except by and through an instrument in writing executed by the Superintendent of the Settlement or such other authority as the Governor-General of India in Council may appoint, and it shall be competent to such Superintendent or other authority to eject any person from any land occupied or in any way possessed by such person which he shall not have acquired in the manner prescribed in this Section.

Appointment of Officers to superintend management of land, &c.

II. The Governor-General of India in Council may appoint one or more Officers to superintend the management of the land of the Settlement of Port Blair and of any other Settlement as aforesaid, and the realization of any Revenue, rent,

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rent, or other dues that may be payable on account of such land, and any Officer so appointed shall, in the matters aforesaid, be subject to the direction and control of the Governor-General of India in Council and be guided by such instructions as the Governor-General of India in Council may from time to time issue.

Administration of Civil and Criminal justice.

III. The administration of Civil and Criminal justice within the Settlement of Port Blair and of any other Settlement as aforesaid, shall be vested in such Officer or Officers as the Governor-General of India in Council may, for the purpose of tribunals of first instance or of reference and appeal, appoint, and the Officer or Officers so appointed shall in matters aforesaid be subject to the direction and control of the Governor-General of India in Council, and be guided by such instructions as the Governor-General of India in Council may from time to time issue.

Appeal.

IV. It shall be lawful for the Governor-General of India in Council to declare in what cases the order, judgment, or sentence made by any Officer appointed as provided in the last preceding Section shall be final, and to direct that from any such order, judgment, or sentence an appeal may be heard and decided by any Court established within British India and beyond the limits of the Settlement of Port Blair.

Revision and confirmation of sentences.

V. It shall be lawful to the Governor-General of India in Council to empower any Court established within British India and beyond the limits of the said Andaman Group of Islands, to confirm and modify or reverse any order or sentence passed in any Criminal trial by any Officer within such Settlement, and no sentence of death passed by any Officer within any Settlement in the said Group of Islands shall be carried into execution until it be confirmed by the Governor-General of India in Council or by such Court, established within British India as aforesaid, as the Governor-General of India in Council may for that purpose appoint.

Penalty for Master anchoring his vessel for the purpose of landing of passengers or goods at unauthorized Port.

VI. It shall not be lawful for the Master or Commander of any vessel to land or to anchor such vessel for the purpose of landing any person or any goods or things at any place on the Coast of the Settlement of Port Blair or any other Settlement as aforesaid, except at such place as may be declared

declared a Port under the provisions of Act XXII of 1855 (*for the regulation of Ports and Port-dues*); and any Master or Commander so offending shall forfeit and pay a sum not exceeding one thousand Rupees.

Penalty for landing at unauthorized Port.

VII. Any person who shall land from any vessel or boat at any place on the Coast of the Settlement of Port Blair or of any other Settlement as aforesaid, except at such place as shall be within the limits of any Port declared under the provisions of the said Act XXII of 1855, shall forfeit and pay a sum not exceeding five hundred Rupees, and any goods or thing landed from any vessel or boat, except within such limits, shall be liable to be seized by any person in the employment of Government within the Settlement, and may be confiscated if the Superintendent or other Officer aforesaid shall so direct.

Exception from provisions of last two Sections.

VIII. The provisions of the last two preceding Sections shall not apply to any vessel or boat the property of Her Majesty or used for any public purpose, or to any person, goods, or thing landed from such vessel or boat, nor in any other case when the Sections aforesaid shall have been infringed from stress of weather or other unavoidable circumstances.

Master of vessel to deliver to Conservator list of crew, &c.

IX. The Master or Commander of any vessel which shall enter any Port of the Settlement of Port Blair or of any other Settlement as aforesaid, shall be bound to deliver to the Conservator of the Port, within twenty-four hours from the time of entering, a list of the crew and passengers on board of such vessel as well as a Manifest of the Cargo carried by such vessel; and any Master or Commander failing to deliver such list and Manifest within such period, shall forfeit and pay a sum not exceeding five hundred Rupees.

Penalty.

Penalty for any person landing without license.

X. No person shall land within the limits of any Port of the Settlement of Port Blair or of any other Settlement as aforesaid, except under a license granted as hereinafter provided or under the written permission of the Conservator of the Port or of the Superintendent of the Settlement or other authority appointed as provided in Section I of this Act, and any person so landing without such license or permission shall forfeit and pay a sum not exceeding five hundred Rupees.

XI. No

Penalty for landing goods without license.

XI. No goods or other thing shall be landed within the limits of any Port of the Settlement of Port Blair or of any other Settlement as aforesaid except under the written permission of the Conservator of the Port or other Officer appointed on that behalf; and any goods or thing landed without such permission, shall be liable to be seized by any person in the employment of Government within the Settlement, and may be confiscated if the Superintendent or other authority aforesaid shall so direct.

Penalty for Master omitting to furnish the Conservator with a list of his crew &c. before the departure of his vessel.

XII. Every Master or Commander of a vessel shall, twenty-four hours at least before the departure of such vessel from any Port of the Settlement of Port Blair, or of any other Settlement as aforesaid, furnish to the Conservator of such Port a list of the crew and other persons who are about to sail in such vessel, specially designating any person (if any) who shall not have arrived at the Settlement in such vessel; and every Master or Commander who shall fail to furnish such list shall forfeit and pay a sum not exceeding one thousand Rupees. If any such Master or Commander shall, after furnishing the list herein mentioned, take or receive on board his vessel any person, not mentioned or included in such list, for the purpose of taking him from such Port, without forthwith informing the Conservator of such Port of the name of such person, he shall be liable to forfeit and pay a sum of five hundred Rupees for every such person so taken or received on board.

Inspection of vessels.

XIII. Every Master or Commander of any vessel anchored in, or about to depart from, any Port of the Settlement of Port Blair or of any other Settlement as aforesaid, shall be bound, on the requisition of the Conservator of the Port or other person acting under the instructions of the Superintendent of the Port or other Officer as aforesaid, to permit such Conservator or other person to inspect such vessel and to produce before such Conservator or other person any person who may be on board of such vessel. If any Master or Commander shall fail to conform to any of the provisions of this Section, he shall forfeit and pay a sum not exceeding one thousand Rupees.

Penalty.

XIV. If

Penalty for receiving on board a convict for the purpose of escape.

XIV. If the Master or Commander of any vessel or other person shall wilfully receive on board such vessel or on any boat any convict undergoing a sentence of transportation, for the purpose of conveying the same from the Settlement of Port Blair or any other Settlement as aforesaid without the knowledge or authority of the Superintendent or other Officer aforesaid, such Master or Commander or other person shall forfeit and pay a sum not exceeding one thousand Rupees, besides being liable to any punishment that may be awarded on conviction of any offence committed by him under the provisions of the Indian Penal Code.

License for residing at the Settlement.

XV. No person shall reside at the Settlement of Port Blair or any other Settlement as aforesaid beyond the period of one month, or after the departure of the vessel by which he was conveyed to such Settlement, except he shall hold a license granted by some person empowered in that behalf by the Governor-General of India in Council; and any person who shall so reside without such license shall forfeit and pay a sum not exceeding five hundred Rupees. Such person may be required to remove himself from the Settlement in which he shall be within such time as the Superintendent or other Officer appointed as provided in Section I of this Act shall direct, and if he shall fail so to do he shall forfeit and pay a sum not exceeding five hundred Rupees, and may further be shipped and removed from the Settlement by any vessel that the Superintendent or other Officer aforesaid shall appoint for that purpose.

Conditions of license to be determined by Governor-General in Council.

XVI. The Governor-General of India in Council may determine the conditions upon which a license to reside in the Settlement of Port Blair or any other Settlement as aforesaid shall be granted. The conditions so determined shall be inserted in the license: and if the holder of any such license shall fail to conform to, or shall infringe, any of the conditions therein specified, he shall forfeit and pay any sum specified therein as a forfeiture payable for any neglect or infringement of such conditions. Such person may also be required to remove himself from the Settlement in which he shall be, and his failure so to do may be enforced as provided in the last preceding Section.

Imposition and recovery of forfeitures.

XVII. The forfeitures incurred under this Act may be imposed by any Officer exercising the authority of Magistrate within the Settlement of Port Blair, and the payment of the sum may

may be enforced by distress and sale of the goods and chattels of the offender, or in the case of the Master or Commander of a vessel, by the distress and sale of such vessel and the tackle, apparel, and furniture thereof: and in default of the recovery of any sum forfeited and payable under this Act, the offender may be imprisoned in the Civil Jail for a period of one month if such sum be not sooner paid.

ACT No. XXVIII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor-General on the 7th September* 1861.)

An Act to extend the provisions of Act I of 1859 (*for the amendment of the Law relating to Merchant Seamen.*)

Preamble.

WHEREAS it is enacted by Section CCXLII of the Merchant Shipping Act of 1854, that the Board of Trade may suspend or cancel the certificate of competency or service granted by the said Board to any Master or Mate, if, upon investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of Masters or Mates of ships or as to shipwrecks or other casualties affecting ships, a report is made by such Court or Tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, and such report is confirmed by the Governor or person administering the Government of such possession :

And whereas it is enacted by Section LXXXII of Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) that the local Government may suspend or cancel the certificate, whether of competency or service, granted under that Act to any Master or Mate, if, upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative Authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of Masters or Mates of ships or as

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as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny: Provided always that, in the case of any report by any such last mentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession:

And whereas it is expedient to authorize Courts or Tribunals in India to make such enquiry and report, and also to empower the Courts of ordinary Criminal jurisdiction in some cases to exercise the powers vested by the said Act I of 1859 in Courts having Admiralty jurisdiction in India: It is enacted as follows:—

Courts authorized to make enquiry into charges against Masters or Mates, and to report to local Government.

I. Every Court having Admiralty jurisdiction in India, and the Principal Court of ordinary Criminal jurisdiction at every Port in India where there is no Court having Admiralty jurisdiction, is hereby authorized to make enquiry into charges of incompetency or misconduct on the part of any Master or Mate of any ship, whether such Master or Mate shall have obtained his certificate from the Board of Trade or from any local Government, or as to shipwreck or other casualties affecting ships; and if on such enquiry it shall appear to any such Court as aforesaid that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such Master or Mate, or that any such Master or Mate has been guilty of any gross act of misconduct, drunkenness, or tyranny, the Court shall report the same to the local Government.

Powers of Court in making enquiry.

II. For the purpose of such enquiry the Court may summon the Master or Mate to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation as the Court may deem just.

Saving of powers vested in certain Admiralty Courts.

III. Nothing in this Act shall be held to affect the powers vested by Section LXXX of the said Act I of 1859 in Courts having Admiralty jurisdiction in India. The said powers may be exercised

The same powers may be exercised by Chief Criminal Court in any Indian Port where there is no Admiralty Court.

exercised by the Principal Court of ordinary Criminal jurisdiction at any Port in India where there is no Court having Admiralty jurisdiction.

Construction.

IV. This Act shall be taken and read as part of the said Act I of 1859.

ACT No. XXIX OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

An Act to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army.

Preamble.

WHEREAS it is expedient to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army; It is hereby enacted as follows:—

Repeal of Acts.

I. Act XXIII of 1839 (*for authorizing sentences of imprisonment with or without hard labor by Courts Martial in certain cases*), Act II of 1840 (*for regulating the execution of sentences passed by Courts Martial in certain cases*), Act XXVIII of 1841 (*for extending Act XXIII of* 1839 *to Camp Followers*), Act XIX of 1847 (*to make certain amendments in the Articles of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company*), Act VI of 1850 (*for enabling the Commander-in-Chief to pardon Military Offences*), Act XXXVI of 1850 (*to amend Article CXIII of the Native Army*), Act III of 1854 (*to amend the* 38*th Article of War for the Native Army*), Act X of 1856 (*to repeal the* 122*nd Article of War for the Native Army and to substitute a new Article in lieu thereof*), Act VIII of 1857 (*to amend Act XIX of* 1847), Act XXXII of 1857 (*to amend the Articles of War for the Native Army*), and Act VI of 1860 (*to amend Act*

XIX of 1847), shall be repealed from the day on which this Act shall come into operation, except in so far as they repeal any other Act or Acts.

II. The following Articles of War shall, from the day appointed for them to come into operation, be the Articles of War for the government of the Native Officers and Soldiers in the Military Service of Her Majesty, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided that all crimes and offences committed against the Articles of War contained in any Act repealed by this Act may be enquired into and punished in like manner as if they had been committed against the Articles of War contained in this Act; and that every Warrant for holding any Court Martial under the Articles of War provided by any Act repealed by this Act shall remain in full force notwithstanding the repeal of such Act, and that no proceedings of a Court Martial upon any trial begun under any Articles so repealed shall be discontinued owing to the repeal of the same, but that every such trial shall proceed and be completed in the same manner as if this Act had not been passed.

Enactment of the following Articles.

Proviso.

ARTICLES OF WAR.

CHAPTER I.

Of Enlisting and Discharges.

ARTICLE 1.

Every Recruit, prior to being enrolled in any Regiment or Corps, shall have the 5th, 6th, 7th, and 8th, and 48th of these Articles of War read and explained to him. When reported fit for duty in the ranks, any usual declaration or charge shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Officers and Soldiers; and the Recruit shall then, in front of the guns or colors, or, if attached to the Corps of Sappers and Miners, in front

Enlisting.

front of such portion of the Corps as shall be present, make the subjoined affirmation:

"I, ——————, solemnly affirm in the presence of Almighty God, that I will be faithful to Her Majesty the Queen, and will go wherever I am ordered by land or sea, and will obey all commands of the Officers set over me, and will defend these guns (or colors) with my life."

In the case of a Sapper and Miner, the words "and defend these guns (or colors) with my life," shall be omitted.

ARTICLE 2.

Dismissal and discharge.

No Commissioned Officer shall be dismissed, except by the sentence of a General Court Martial; but the Governor-General of India in Council, or the Governor in Council, or the Commander-in-Chief of the Presidency to which a Commissioned Officer belongs, shall have power to order his discharge. Every such dismissal or discharge of a Commissioned Officer shall involve forfeiture of all claim to pension.

ARTICLE 3

Dismissal and discharge.

A Non-Commissioned Officer or Soldier shall be liable to dismissal or discharge by order of the Governor-General of India in Council, or of the Governor in Council, or the Commander-in-Chief of the Presidency to which he belongs.

Discharge and reduction by Commanding Officer.

The Commanding Officer of a Regiment or Corps shall have power to dismiss or discharge any Soldier below the rank of a Non-Commissioned Officer; and to dismiss, discharge, or reduce to the ranks any Non-Commissioned Officer belonging to such Regiment or Corps.

Every such dismissal or discharge shall involve forfeiture of claim to pension.

Proviso as to reduction and suspension.

No Non-Commissioned Officer shall be reduced to the ranks for any stated period; nor suspended from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer.

Every

Certificate of discharge.

Every Non-Commissioned Officer or Soldier discharged the service shall be furnished by the Commanding Officer of the Regiment or Corps to which he belonged with a discharge Certificate in the Vernacular language of such Non-Commissioned Officer or Soldier. Such Certificate shall express the authority for, and cause of, the discharge, and the period of the entire service in the Army of such Non-Commissioned Officer or Soldier, and shall be accompanied with an English translation.

ARTICLE 4.

Re-enlisting

No Non-Commissioned Officer or Soldier, until he shall have received his discharge from the Regiment or Corps to which he belongs, shall enlist in any other Regiment or Corps; and any Non-Commissioned Officer or Soldier who shall so enlist, shall be considered a deserter, and shall suffer punishment accordingly.

Any Non-Commissioned Officer or Soldier who shall have been dismissed or discharged from any Regiment or Corps, and shall enlist in any other Regiment or Corps, without at the time of such enlistment stating the fact of his dismissal or discharge, or showing his discharge certificate, may be dismissed the service by the Officer Commanding the Regiment or Corps in which he has enlisted.

CHAPTER II.

Crimes and Punishments.

Crimes punishable by General Court Martial.

ARTICLE 5.

Any Officer or Soldier—

Mutiny and sedition.

Who shall begin, excite, cause, or join in any mutiny or sedition in the Regiment or Corps to which he belongs, or in any other Regiment or Corps, on any pretence whatever; or who, being

being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same; or who, coming to the knowledge of any mutiny, intended mutiny, or combination against the State, shall not give immediate information thereof to his Commanding Officer;——or

ARTICLE 6.

Striking Superior Officer, &c.

Who shall strike his Superior Offier, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence against him, whether on or off duty, and under any circumstances in which his Superior Officer may be distinguishable as such in any manner;——or

ARTICLE 7.

Disobeying Superior Officer.

Who shall disobey any lawful command of his Superior Officer;——or

ARTICLE 8.

Desertion.

Who shall desert from Her Majesty's Service, whether he shall have re-enlisted or not;——or

ARTICLE 9.

Sentry in time of war or alarm, sleeping upon or deserting his post, &c.

Who, being a sentry, in time of war or alarm, shall sleep upon his post; or shall quit his post without being regularly relieved, or without leave; or shall plunder or injure the property placed under his charge;——or

ARTICLE 10.

Abandoning Garrison, or Post, &c.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard;——or

Who

ARTICLE 11.

Making known watchword.

Who shall treacherously make known the watchword to any person not entitled to receive it according to the rules and discipline of war ;——or

ARTICLE 12.

Communicating with the enemy.

Who shall, directly or indirectly, hold correspondence with or communicate intelligence to the enemy, or to any person in arms against the State, or who, coming to the knowledge of such correspondence or communication, shall omit to discover it immediately to his Commanding Officer ;——or

ARTICLE 13.

Assisting or protecting enemies.

Who shall, directly or indirectly, assist or relieve the enemy, or any person in arms against the State, with money, victuals, or ammunition, or in any other way ; or shall knowingly harbour or protect any enemy or person in arms against the State ;——or

ARTICLE 14.

Releasing or conniving at the escape of an enemy.

Who shall treacherously release, wilfully aid, or connive at the escape of any enemy or person in arms against the State, placed as a prisoner under his charge ;——or

ARTICLE 15.

Misbehaviour before the enemy.

Who shall, in the presence of an enemy or any person in arms against whom it is his duty to act, misbehave or use means to induce any other person so to misbehave ;——or

ARTICLE 16.

Casting away arms, &c., in presence of an enemy.

Who shall, in presence of an enemy, or of any person in arms against whom it is his duty to act, shamefully cast away his arms or ammunition ;——or

ARTICLE 17.

ARTICLE 17.

Leaving post, &c., in time of action, for search for plunder.

Who shall, in time of action, leave his Commanding Officer, or his Post, or Colors, or Party, to go in search of plunder;——or

ARTICLE 18.

Offering violence in time of war to person bringing provisions to Camp, &c.

Who shall, in time of war, do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Force with which he is serving; or shall force a safeguard; or shall break into any house or other place for plunder; or shall plunder any field or garden or other property;——or

ARTICLE 19.

False alarm in time of war.

Who shall, in time of war, by discharging any fire-arms, drawing a sword, beating a drum, making any signal, using any word, or by any means whatever, intentionally occasion a false alarm in action, camp, garrison, or quarters;——or

ARTICLE 20.

Releasing or conniving at escape of State prisoner.

Who shall, without proper authority, release any State prisoner, or shall, through carelessness, or neglect, suffer any such prisoner to escape; or shall connive at the plunder or injury of any property in time of war, or the plunder or injury of any treasure, or of any magazine or dock-yard, by the sentry or guard in whose charge such property, treasure, magazine, or dock-yard is placed;——or

ARTICLE 21.

Sentry quitting his post, &c.

Who, being a sentry placed over any State prisoner, or over any treasure, or over any magazine or dock-yard, shall quit his post without being regularly relieved, or without leave, or

or shall sleep upon his post; or shall plunder or injure any property placed under his charge;——

Shall, on conviction —

Punishment, if an Officer.

If an Officer, suffer death; or transportation for life, or for a period not less than seven years; or such other punishment as a General Court Martial is by these Articles empowered to award :—

Punishment, if a Soldier.

If a Soldier, suffer death; or transportation for life, or for a period not less than seven years; or imprisonment, with or without hard labor, for a period which may extend to fourteen years, and may be with or without solitary confinement; or such other punishment as a General Court Martial is by these Articles empowered to award.

Embezzlement, punishable by General Court Martial.

ARTICLE 22.

Any Officer or Soldier—

Embezzlement.

Who shall embezzle or fraudulently misapply any money entrusted to him on the Public account, or for any Military purpose; or any provisions, forage, arms, clothing, ammunition, or Military stores, of whatever kind or description, the property of Government, entrusted to his charge; or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;——or

Wilful injury to certain Government property.

Who shall wilfully injure any property of Government entrusted to him on the Public account, or for any Military purpose, or shall suffer such property to be injured;——

Shall

Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of pay and allowances; and be further liable to suffer imprisonment with or without hard labor for a term which may extend to three years, and may be with or without solitary confinement.

Punishment.

Crimes punishable by General or other Courts Martial, with any sentence which, by these Articles of War, any General or other Court Martial respectively is empowered to award.

ARTICLE 23.

Any Officer—

Who shall behave in a manner unbecoming the character of an Officer (the fact or facts whereon the charge is grounded being clearly specified therein);—or

Officers misbehaving themselves.

ARTICLE 24.

Any Officer or Soldier—

Who shall, in any operation in the field, spread any report, by any word or letter calculated to create unnecessary alarm in the troops, or in the vicinity, or in rear of the army;——or

Spreading reports calculated to create alarm.

ARTICLE 25.

Who shall, in action or previously to going into action, use any word tending to create alarm or despondency;——or

Using words tending to create alarm.

ARTICLE 26.

Who shall be drunk when on or for Duty, or on Parade, or on the Line of march;——or

Being drunk.

ARTICLE 27.

ARTICLE 27.

Striking a Sentry.

Who shall strike or force any sentry ;——or

ARTICLE 28.

Advising or persuading desertion, &c.

Who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any deserter, or who knowing of any other Officer or Soldier having deserted, or knowing of any deserter having been received or entertained by any other Officer or Soldier, shall not immediately give notice to his own Superior Officer, or do his best to cause such deserter to be apprehended by the Civil power;——or

ARTICLE 29.

Obtaining pension by false statement.

Who shall obtain, or attempt to obtain for himself, or for any other Officer or Soldier, or for any other person whatsoever, any pension or allowance, by any false statement, certificate, or document, or by the omission of any true statement, certificate, or document ;——or

ARTICLE 30.

Making false return to Superior Officer.

Who shall knowingly make a false return or report to any Officer authorized to call for a return or report of the state of the men under his command, or of any arms, ammunition, clothing, or other stores belonging to such men, or of which he has charge; ——or

ARTICLE 31.

Extortion.

Who, at any post, or on the march, shall unlawfully extort any money or property of any description as a fee or duty, or on any pretence whatever; or shall, without authority, exact from any villager, or any other person, any carriage, porterage, or provisions ;——or

ARTICLE 32.

ARTICLE 32.

Defiling place of religious worship.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of any person;——or

ARTICLE 33.

Breaking arrest or confinement.

Who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by proper authority;—— or

ARTICLE 34.

Committing waste, &c.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property;——or

ARTICLE 35.

Enlisting a deserter.

Who shall knowingly enlist a deserter, or connive at his enlistment;——or

ARTICLE 36.

Demanding or accepting bribes.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for, procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier;——or

ARTICLE 37.

Those in command of post, &c., not seeing reparation done to injured parties, &c.

Who, being in command of any post, or on the march, shall not, on complaint made to him of any one under his command beating or otherwise ill-treating any person, or extorting from such person more than he is obliged to furnish, or disturbing any fair or market, or committing any kind of riot, see reparation done to the person injured; or, if that be impracticable, report the same to his Superior Officer;——or

ARTICLE 38.

ARTICLE 38.

Those in command of guard refusing to receive prisoners, &c.

Who, being in command of a guard, shall refuse to receive any prisoner duly committed to his charge; or shall, without proper authority, release any prisoner; or shall suffer, through carelessness or neglect, any prisoner to escape; — or

ARTICLE 39.

Quitting guard or picquet in time of peace.

Who, in time of peace, shall quit his guard or picquet without being regularly relieved or without leave; — or

ARTICLE 40.

Impeding Provost Marshal, &c.

Who shall impede a Provost Marshal or an Assistant of a Provost Marshal, or any person lawfully exercising authority; or refuse when called upon to assist him when requiring his aid in the execution of his duty; — or

ARTICLE 41.

Those on leave of absence neglecting to rejoin their Regiment when ordered on service.

Who, being on leave of absence, and having received information from the Commanding Officer of his Regiment or Corps, or from other proper authority, that his Regiment or Corps has been ordered on service, shall not rejoin without delay; — or

ARTICLE 42.

False alarm in camp in time of peace.

Who shall, in time of peace, by discharging any fire-arms, drawing a sword, beating a drum, or by any other means whatever, intentionally occasion a false alarm in camp, garrison, or cantonment; — or

ARTICLE 43.

Failure to attend parade, &c.

Who shall, without sufficient cause, fail to repair, at the time fixed, to the parade, or place appointed for exercise or duty; — or

ARTICLE 44.

ARTICLE 44.

Quitting company or parade without leave.

Who shall, without urgent necessity, or without leave of his Superior Officer, quit his company, or troop, or the parade ;——or

ARTICLE 45.

Absence without leave, &c.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him ;——or

ARTICLE 46.

Any Officer or Non-Commissioned Officer—

Striking or ill-treating a Soldier.

Who shall strike or otherwise ill-treat any Soldier; ——or

ARTICLE 47.

Any Soldier—

Insubordination.

Who shall be grossly insubordinate or insolent to his Superior Officer in the execution of his office;——or

ARTICLE 48.

Refusal to assist in making field or other works.

Who shall refuse to assist in the making of any field work, or other Military work of any description ordered to be made, either in quarters or in the field ;——or

ARTICLE 49.

Going armed contrary to orders.

Who, when off duty, shall, contrary to orders, appear in or about camp or cantonments, or on occasion of going to or returning from, or in or about any town or bazar, carrying a sword bludgeon, or other weapon ;——or

Article 50.

Pawning, losing, or injuring horse, arms, accoutrements, &c.

Who shall sell, pawn, or designedly or through neglect lose or injure his horse, arms, clothes, accoutrements, or Regimental necessaries; or any such articles entrusted or belonging to any other Soldier; or who shall make away with or pawn any medal or decoration granted to him by order of Her Majesty or of the East India Company, or by order of the Government, for service in the field or for general good conduct;——or

Article 51.

Sentry in time of peace sleeping upon post,

Who, being a Sentry, in time of peace, shall sleep upon his post; or shall leave it before being regularly relieved or without leave;——or

Article 52.

Soldier found 2 miles from camp contrary to orders.

Who, contrary to orders, shall be found 2 miles from the camp;——or

Article 53.

Absence from cantonment, &c.

Who, contrary to orders, shall be absent from his cantonment after tattoo, or from camp after retreat beating;——or

Article 54.

Selling, losing, or wasting ammunition.

Who shall sell, lose, or designedly, or through neglect, waste any ammunition delivered out to him;—

Punishment.

Shall, on conviction before a General or other Court Martial, be sentenced to suffer such punishment as such Court Martial is by these Articles empowered to award.

Disgraceful

Disgraceful Conduct; punishable by General or District Court Martial, with Corporal punishment, or Imprisonment with or without hard labor and solitary confinement, and in addition with Forfeiture of additional Pay and of Pension on Discharge, and Stoppages, of Non-commissioned Officers and Soldiers.

ARTICLE 55.

Disgraceful conduct.

Any Soldier who shall be guilty of disgraceful conduct :—

Wilfully maiming or injuring himself or another Soldier.

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such other Soldier unfit for the service, or with intent to take his own life ;——or

ARTICLE 56.

Malingering, &c.

In malingering, feigning, or intentionally producing any disease or infirmity ; or intentionally delaying his cure ; or intentionally aggravating his disease or infirmity ;——or

ARTICLE 57.

Stealing or selling Government stores.

In purloining or selling any Government stores ; ——or

ARTICLE 58.

Stealing property of Soldiers and others.

In stealing any money or goods, the property of any Officer or Soldier, or of any Military Mess, or of any person belonging to or serving with or attached to the Army ;——or

ARTICLE 59.

Plundering property under his charge as sentry, &c.

In plundering or injuring any property placed under his charge as sentry, or in charge of his guard, or in conniving at the plunder or injury of any such property ; ——or

ARTICLE 60.

ARTICLE 60.

Embezzling public money.

In embezzling or fraudulently misapplying any public money entrusted to him for any Military purpose ;——or

ARTICLE 61.

Fraud or dishonesty.

In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military ;——or

ARTICLE 62.

Cruelty, indecency, &c.

Who shall be guilty of any other disgraceful conduct, of a cruel, indecent, or unnatural kind ;——

Punishments.

Shall, on conviction before a General or District or Garrison Court Martial, be liable to such punishment as such Court Martial is by these Articles of War empowered to award for disgraceful conduct.

Every offender so convicted, if not dismissed the service, shall, by sentence of the Court, be put under stoppages not exceeding half of his monthly pay and allowances, until the amount of any loss or damage arising out of his misconduct be made good.

If such offender be dismissed the service, he shall further be sentenced to forfeit any arrears of pay and allowances due at the time of his dismissal, towards making good any loss or damage arising out of his misconduct ; or to forfeit any portion of such arrears that may be required to make good such loss or damage.

A copy of every sentence of dismissal for disgraceful conduct passed by any Court Martial shall, after its confirmation, be transmitted by the Adjutant General of the Army to the Chief Civil Officer of the district wherein the village or other place to which the offender belongs is situated ; and such Chief Civil Officer

Officer shall thereupon publish such sentence by affixing a copy thereof in the village or place, or otherwise as may be usual in the locality.

Crimes incident to Courts Martial, punishable by General or other Court Martial according to the nature and degree of the offence.

ARTICLE 63.

Refusal of a person amenable to Articles of War to attend Court Martial or to be sworn, &c.

Any person amenable to these Articles of War, who shall, when duly summoned to attend as a witness before a Court Martial, neglect to attend, or shall refuse to be sworn, or to make affirmation, or to answer any question, or who shall instigate any other person so to offend;

Shall, on conviction, be sentenced by the same, or another Court Martial, to such punishment as any such Court Martial is by these Articles empowered to award.

ARTICLE 64.

Refusal of a person not amenable to Articles of War to attend Court Martial, or to be sworn, &c.

Any person not amenable to these Articles of War, who shall, when duly summoned to attend as a witness before a Court Martial, refuse or neglect to attend; or shall refuse to be sworn, or to make affirmation, or to answer any question; or who shall, when he has been duly sworn, or has solemnly affirmed that he will speak the truth, make any statement which is false, and which he either knows or believes to be false, or does not believe to be true; or who shall instigate any other person so to offend;

Shall be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before a Criminal Court.

ARTICLE 65.

Contempt of Court.

Any person using any menacing or disrespectful word, sign, or gesture, in the presence of a Court Martial then sitting; or causing any disorder or riot so as to disturb the proceedings

ings of such Court Martial; or being grossly insubordinate or violent in the presence of a Court Martial;

Shall, if amenable to these Articles of War, be punished, according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial; and if not amenable to these Articles of War, be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before a Criminal Court.

The offence of giving false evidence, punishable by General or District Court Martial, with dismissal and fine or imprisonment.

ARTICLE 66.

Any Officer or Soldier—

Perjury.

Who shall give false evidence as defined in Article 64 before any General or other Court Martial, or any Military Court entitled to take evidence on oath or affirmation; or who shall instigate any other person so to offend;

Shall, on conviction before a General, District, or Garrison Court Martial, be dismissed the service; and shall further be sentenced to forfeit any arrears of pay and allowances due at the time of his dismissal, and may be sentenced to imprisonment with or without hard labor for a term which may extend to three years.

ARTICLE 67.

Crimes admitting of less serious notice.

When the Officer Commanding a Regiment or Corps considers that any Soldier under his command, who is charged with any offence declared by the foregoing Articles to be triable by a District or Garrison Court Martial, should be tried by a Regimental Court Martial, he may order the offender to be tried by such Court Martial, and shall report the case to the Officer Commanding the Division, stating the reason for such order.

When

When the Officer Commanding a Regiment or Corps considers that any Soldier under his Command, who is charged with any offence declared by the foregoing Articles to be triable by a General Court Martial, should be tried by a District or Garrison or Regimental Court Martial, such Commanding Officer may lay a statement of the case before the General or other Officer having authority to convene General Courts Martial, under whose command the offender may be serving, with an application for permission to try the offender by District or Garrison or Regimental Court Martial, and such General or other Officer shall comply with or refuse such application at his discretion. The order of such General or other Officer, when the application is complied with, shall be entered upon the proceedings at the trial of such offender.

Provided that mutiny shall not be considered one of the offences admitting of such discretionary investigation.

ARTICLE 68.

Offences on the line of march or on board vessels.

For any offence committed on the line of march, or on board any ship or other vessel, the Officer in command of the Troops may try any Soldier by a Regimental or Detachment Court Martial, and may confirm and execute on the spot any sentence that may be passed.

Provided that such sentence shall in no case exceed that which a Regimental Court Martial is competent to award ;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-Chief of the Presidency to which such Troops belong, and to the Commander-in-Chief of the Presidency within which such troops shall be serving or to which they are proceeding.

ARTICLE 69.

Crimes not specified.

Any crime not punishable with death, and any disorder or neglect of which any Officer or Soldier is guilty, to the prejudice of Good Order and Military Discipline, may, though not specified in these Articles, be taken cognizance of by Courts Martial, and punished

punished, according to the nature and degree of the offence, by the sentence of a General, or District, or Garrison, or Regimental Court Martial.

CHAPTER III.

Administration of Justice.

ARTICLE 70.

Arrest or confinement.

Whenever any Officer or Soldier is accused of any crime which the Commanding Officer of such Officer or Soldier considers should be tried by Court Martial, such Commanding Officer shall order the accused, if he be an Officer or Non-Commissioned Officer, to be put under arrest, or if a Soldier, to be confined until he can be tried by a Court Martial, or discharged by proper authority. No such Officer or Soldier shall be detained in arrest or confinement longer than is avoidable.

Resistance to arrest.

When, in consequence of any resistance, or, from any other circumstance, such arrest or confinement is impracticable, the offender shall be liable to trial and punishment at any subsequent period within the limitations provided in these Articles of War.

ARTICLE 71.

Limitation of time.

No person shall be liable to be tried or punished for any offence against the Articles of War, which shall appear to have been committed more than three years previous to the order directing the assembly of the Court Martial whereby he is being, or is to be tried, unless it shall appear that the person accused, by reason of his absenting himself, or some other manifest impediment, could not be brought to trial within that period; in which case such person shall be liable to be tried at any time not exceeding two years after such impediment shall have ceased.

ARTICLE 72.

Offenders may be tried elsewhere than where the offence was committed.

Any person amenable to these Articles of War, who commits any offence against them, may be tried and punished for such offence in any place where he is, in the same manner as if the offence had been committed in such place.

ARTICLE 73.

Powers of the Commander-in-Chief to appoint Courts Martial.

The Commander-in-Chief of the Presidency may appoint a General or other Court Martial, and may confirm, and mitigate, or commute or remit the sentence of such Court. He may issue his warrant to any General or other Officer under his command having the command of any body of troops in the service of Her Majesty, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of any offence committed by any Officer or Soldier or follower in the service of Her Majesty, not being a European British subject of Her Majesty; and to confirm and mitigate, or commute or remit the sentence of any such Court Martial. No sentence, including forfeiture of additional pay, or of claim to pension on discharge, or of any prospective advantage, shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs. The Commander-in-Chief may remit any forfeiture awarded, and may order the restoration of any advantage of which the offender has been deprived by such forfeiture.

ARTICLE 74.

Appointment of Courts Martial for trial of Troops not attached to any Presidency.

Whenever any Native Troops subject to these Articles of War are not attached to the forces of any Presidency, the Governor-General of India in Council shall authorize the Commander-in-Chief of any Presidency to issue his warrant to the General or other Officer having the Command of such troops to appoint Courts Martial in conformity with this Act.

Composition of Courts Martial.

ARTICLE 75.

Constitution of General Court Martial.

Except as hereinafter provided, a General Court Martial shall not consist of less than thirteen Commissioned Officers, unless it be held out of the British Territories in India. When a Court

Court Martial is held out of the British Territories in India, it may consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled. No sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-Chief of the Presidency or to some other person duly authorized to confirm the same, and until the directions of such Commander-in-Chief or other person as aforesaid shall have been signified thereupon.

Article 76.

Constitution of District or Garrison Court Martial.

A District or Garrison Court Martial shall consist of not less than seven Commissioned Officers when that number can be conveniently assembled. When that number cannot be conveniently assembled, such Court may consist of not less than five Commissioned Officers.

A District or Garrison Court Martial may be composed of Officers of the same Regiment or Corps as the accused, or of any other Regiment or Corps.

The sentence of a District or Garrison Court Martial shall be subject to confirmation by the Commander-in-Chief of the Presidency, or by some Officer duly authorized to confirm the same.

Article 77.

Constitution of Regimental Court Martial.

A Regimental Court Martial shall consist of not less than five Commissioned Officers when such number can be assembled. When such number cannot be assembled, such Court may consist of three Commissioned Officers. Such Court shall be assembled by order of the Officer Commanding the Regiment. No sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Such Commanding Officer shall have power to remit all sentences whatever passed by such Court, and to cause the offender to be released and to return to his duty.

Powers

Powers of Court Martial.

ARTICLE 78.

Death, transportation, or imprisonment.

A General Court Martial may sentence—for any crime which by these Articles is made liable to such sentence—any Officer to death or to transportation for life, or for any period not less than seven years, or in cases falling under Article 22 or Article 66, to imprisonment with or without hard labor for any period not exceeding three years, and with or without solitary confinement; or may sentence any Soldier to death; or to transportation for life, or for any period not less than seven years, or to imprisonment for any period not exceeding fourteen years, for any crimes which are by these Articles of War expressly made liable to any such sentence, and for such crimes only. No Court Martial inferior to a General Court Martial shall have power to pass a sentence of death or transportation or imprisonment for any longer period than three years.

Punishments of Commissioned Officers.

Dismissal, suspension, or reduction to ranks.

A General Court Martial may sentence a Commissioned Officer to be dismissed the service; or to be suspended from rank and pay and allowances for a stated period; or to be placed one or more steps lower in the list of his rank, by an alteration of the date of his Commission, and such Officer shall lose the corresponding benefit of length of service.

No Court Martial inferior to a General Court Martial shall have power to try a Commissioned Officer.

Punishments of Non-Commissioned Officers and Soldiers.

Reduction to ranks, Corporal punishment, imprisonment, or solitary confinement.

A General or District or Garrison or Regimental Court Martial may sentence a Non-Commissioned Officer to be reduced to the ranks;—or may sentence a Non-Commissioned Officer or Soldier to be dismissed the service;—or to be

placed one or more steps lower in the list of the rank which he holds, whereby such Non-Commissioned Officer or Soldier shall lose the benefit of the corresponding length of service;—or to suffer corporal punishment not exceeding fifty lashes;—or to imprisonment, which may be with or without hard labor; and which may include solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement.

No Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of the Commanding Officer of the Regiment or Corps to which such Soldier belongs.

No sentence of imprisonment shall be awardable by a General Court Martial for any period exceeding two years (except when otherwise expressly provided); nor by a District or Garrison Court Martial for any period exceeding one year; nor by a Regimental Court Martial for any period exceeding six calendar months.

No Non-Commissioned Officer shall be sentenced to imprisonment or corporal punishment without being first reduced to the ranks.

Punishment for "Disgraceful Conduct."

Forfeiture of pay or pension in addition to Corporal punishment or imprisonment.

A General or District or Garrison Court Martial may, in addition to corporal punishment or to imprisonment, sentence a Soldier convicted of disgraceful conduct to forfeiture of all advantage as to additional pay and claim to pension on discharge, which otherwise might have accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it may have accrued from past service, or might accrue from future service.

No

No Soldier shall be tried for disgraceful conduct by any Court Martial inferior to a District or Garrison Court Martial.

Forfeiture and stoppages in addition to dismissal.

A Court Martial may, in addition to any punishment involving dismissal or discharge, sentence any Officer or Soldier whom it is authorized to try, to forfeiture of arrears of pay and allowances due at the time of dismissal or discharge, or of such portion thereof as may be required to make good any loss or damage arising out of his misconduct. A Court Martial, in addition to any punishment not involving dismissal or discharge, may sentence any Officer or Soldier to be put under stoppages not exceeding, in the case of an Officer, two-thirds of his pay and allowances, and in the case of a Non-Commissioned Officer or Soldier, one-half of his pay and allowances, until any loss or damage arising out of his misconduct be made good.

Forfeiture of pay during confinement.

Every Soldier subjected to confinement in the Quarter Guard, or Defaulter's Room, or in a Solitary Cell, or in any other place of imprisonment, shall forfeit all claim to pay and allowances during such confinement, and shall be entitled to receive subsistence only according to the rates laid down in the Regulations.

ARTICLE 79.

Second sentence of imprisonment on an offender already under sentence of imprisonment.

Whenever sentence shall be passed by a Court Martial on an offender already under sentence of imprisonment, such Court may award sentence of imprisonment to commence at the expiration of the imprisonment to which the offender shall have been so previously sentenced, although the aggregate of the terms of imprisonment may exceed the term for which imprisonment could otherwise be awarded by such Court Martial.

Confirmation and Commutation of Sentences.

ARTICLE 80.

Sentence of death.

When a sentence of death shall have been awarded by a General Court Martial, the Commander-in-Chief of the Presidency may confirm such sentence, and cause it to be carried into

into effect; or may in lieu thereof order the offender, if an Officer, to be transported for life, or for a term not less than seven years: or to be imprisoned for any period not exceeding fourteen years; or if a Soldier, to be transported for life, or for a term not less than seven years, or to be imprisoned with or without hard labor, and with or without solitary confinement, for any period not exceeding fourteen years.

Sentence of transportation.

In cases wherein a sentence of transportation has been awarded by a General Court Martial, the Commander-in-Chief of the Presidency may, in lieu thereof, order the offender, if an Officer, to be imprisoned for any period not exceeding fourteen years; or if a Soldier, to be imprisoned with or without hard labor and with or without solitary confinement for any period not exceeding fourteen years. Provided that in any such case, if the sentence of transportation be for any less period than fourteen years, the imprisonment in commutation shall not be for a longer period.

Sentence of dismissal.

In lieu of a sentence of dismissal, in the case of an Officer, the Commander-in-Chief of the Presidency may order the offender to be suspended from rank and pay and allowances for a stated period.

Corporal Punishment or imprisonment with hard labor.

Any Officer having authority to confirm the sentence of a Court Martial, may commute a sentence of corporal punishment, to dismissal from the service, or to imprisonment without hard labor, and with or without solitary confinement, for any period not exceeding one year, for which such Court might have sentenced the offender for the offence;—or may commute a sentence of imprisonment with hard labor to imprisonment without hard labor, with or without solitary confinement, for the same or for a less period—or to dismissal from the service.

Corporal punishment, imprisonment with hard labor, or dismissal.

Any Officer having authority to confirm the sentence of a Court Martial, may, in commutation of a sentence on a Non-Commissioned Officer, of corporal punishment, or imprisonment, or of dismissal, direct that such Non-Commissioned

sioned Officer be reduced to the ranks, or placed lower in the list of the rank which he holds, whereby such Non-Commissioned Officer shall lose the corresponding benefit of length of service.

ARTICLE 81.

Powers of Commanding Officers of Native Regiments in punishing offences committed by Non-Commissioned Officers and Soldiers and Native Camp-Followers.

The Commanding Officer for the time being of any Regiment or Corps may summarily try any offence against these Articles of War committed by any person subject to these Articles (not being a Commissioned Officer,) and, on conviction, may sentence the offender and carry out such sentence without confirmation or any further authority; provided that such sentence shall not exceed the sentence which a District or Garrison Court Martial might pass.

A Commanding Officer holding a trial under this Article shall be deemed a Court Martial, and the words "Court Martial" in these Articles of War shall be deemed to include a Commanding Officer holding a trial.

The proceedings on such trials by the Commanding Officer shall be conducted in the presence of two or more European or Native Commissioned Officers, and shall be recorded in the English language, and the evidence shall be taken on oath or affirmation, and interpreted by an interpreter upon affirmation. The Commanding Officer shall record the finding and sentence, and the proceedings shall then be signed by such Commanding Officer, and by the Officers in whose presence the trial is held, and shall, without delay, be forwarded to the Officer Commanding the Division, who is hereby authorized to set aside the trial for reasons based on the merits of the case, but not on any merely technical grounds. Every sentence so awarded by a Commanding Officer may be carried out without waiting for its approval by the reviewing Officer.

ARTICLE 82.

Powers of Officers Commanding Detachments, in punishing offences.

An Officer Commanding a Detachment of his own Regiment or Corps may assemble a Regimental Detachment Court Martial;—and an Officer Commanding a Detachment consisting of men of different Regiments or Corps, may assemble

assemble a Detachment or Line Court Martial. Every Court so assembled shall be constituted in the manner provided for a Regimental Court Martial under the provisions of these Articles of War, and shall have the like powers.

The provisions of these Articles of War, which relate to a Court Martial held in a Regiment or Corps, shall, in all practicable cases, be taken to apply to a Court Martial held in a Detachment.

No Officer on detached command of less than three troops or companies, or of a Detachment numerically equal to three troops or companies, and not being on the line of march or on board a ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the sentence shall have been confirmed by the Officer Commanding the Regiment or Corps to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment, who is hereby authorized to confirm every such sentence in like manner as an Officer Commanding a Regiment or Corps might do. Provided that in detached situations beyond the Sea or out of the British Territories in India, or when on service in the field, or in cases where an immediate example is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the service, the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment or Corps.

The Commanding Officer of such Detachment, and the Commanding Officer of any European Detachment to which native details of less strength than three troops or companies are attached; and any Commissary of Ordnance or other Officer in charge of any arsenal, ordnance establishment, or any camp equipage depôt, may summarily try any offence against these Articles of War, committed by any person under his command, who is subject to such Articles (not being a Commissioned Officer); and may on conviction sentence such offender, and carry out such sentence without confirmation or any further authority; provided that such sentence shall not exceed the powers of a Regimental Court Martial.

Such

Such Commanding Officer or other Officer holding a trial under this Article shall be deemed a Court Martial, and the words "Court Martial," in these Articles of War, shall be deemed to include such Commanding Officer or other Officer holding a trial.

The proceedings on such summary trial shall be conducted, so far as may be practicable, and shall be recorded, in the same manner as is provided in Article 81 for summary trials by an Officer Commanding a Regiment or Corps, and shall, in like manner, be signed and forwarded to the Officer Commanding the Division within which such Detachment shall be at the time, who is hereby authorized to set aside the trial for the same reasons that an Officer Commanding a Division is authorized by Article 81 to set aside a trial by an Officer Commanding a Regiment or Corps. Provided that every sentence so awarded by an Officer Commanding any such Detachment, or by any other Officer holding a trial under this Article, may be carried out without waiting for its approval by the reviewing Officer.

ARTICLE 83.

Punishment of light offences.

For light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill, restriction to barrack limits or within the lines of the Regiment or Camp, confinement in the Quarter Guard or Defaulters' Room or in a Solitary Cell, removal from Staff situations, or acting appointments; or may order any Soldier to be employed in piling and unpiling shot, and in cleaning accoutrements of men in hospital. But none of these punishments shall be awarded by sentence of a Court Martial. Any Soldier, while undergoing punishment under this Article, shall be liable to be ordered to attend ordinary drill.

The Commander-in-Chief of the Presidency shall prescribe the periods not exceeding which offenders shall be liable to drill or confinement or restriction to local limits, as authorized by this Article.

ARTICLE 84.

Punishments for breach of Cantonment Regulations.

For any offence in breach of the Rules and Regulations of any Cantonment, the Commanding Officer of such Cantonment may sentence the offender (provided he be not a European British subject or an Officer or Soldier), notwithstanding he is neither amenable to any Articles of War, nor under the Military command of such Commanding Officer, to pay a fine not exceeding fifty Rupees; and in default of payment of such fine, and in lieu thereof, to imprisonment for any period not exceeding thirty days, if the fine be not sooner paid; and the Officer in charge of any Jail, on the delivery to him of the person of the offender accompanied by a warrant under the hand of such Commanding Officer, shall give effect to such imprisonment.

ARTICLE 85.

Punishment of offences committed by Camp followers.

For any offence in breach of good order, a Commanding Officer of any Regiment, Corps, or Detachment, may sentence any follower of such Regiment, Corps, or Detachment under his command to imprisonment for any period not exceeding seven days; or, if the offender be not of a degree superior to that of a menial servant, to undergo Corporal punishment not exceeding twelve strokes of a rattan; or if the offender be of a degree superior to that of a menial servant, to fine not exceeding fifty Rupees, and in default of payment to imprisonment for a period of thirty days, if such fine be not sooner paid.

Execution of Sentences of Courts Martial.

ARTICLE 86.

Sentence of Death.

In awarding a sentence of death, a General Court Martial shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death,"

death," as the Court in their discretion shall deem expedient, and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 87.

Transportation.

Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, the offender shall be delivered over to the Officer in charge of the nearest Jail, and such Officer, in giving effect to the sentence, shall be guided by such order as he shall receive from the local Government.

Imprisonment with hard labor or solitary confinement.

Whenever any sentence of a Court Martial shall adjudge imprisonment with or without hard labor, or with solitary confinement or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Officer in charge of a Jail, to give effect to such sentence on the offender being delivered into his custody, with an authenticated copy of the sentence passed on the offender.

ARTICLE 88.

Place of imprisonment.

The Commander-in-Chief of the Presidency may, from time to time, direct that any person sentenced to imprisonment by a Court Martial, may be imprisoned in any public Jail or in any other fit place.

ARTICLE 89.

Local Government may cause removal to another place of imprisonment.

When any person subject to these Articles of War is confined in any public Jail or other place not under Military control under a sentence of imprisonment passed by a Court Martial, the local Government of the Presidency or place in which such place of confinement is situate, may order the removal of such person from such place of confinement to any other public Jail or other fit place of confinement within the

the Territories of such local Government. The period for which such person is in custody during such removal shall be reckoned as part of the original period of imprisonment for which such person was sentenced. The Governor-General of India in Council may order the removal of any such person from any place of confinement in British India to any other place of confinement therein.

ARTICLE 90.

Powers of Commander-in-Chief of a Presidency to pardon certain offenders.

The Commander-in-Chief of any Presidency shall have power to pardon any person belonging to the Military Forces of such Presidency, who shall have been convicted by a Court Martial of any offence against the Articles of War, which offence, wherever committed, is not punishable otherwise than by sentence of a Court Martial. Instead of granting a full pardon to any such person, the Commander-in-Chief of the Presidency may remit any part of the punishment awarded for the offence.

In any such case the Commander-in-Chief of the Presidency shall, together with a copy of the warrant or other instrument under which the offender is kept in custody in execution of the sentence, issue a warrant under his own hand, setting forth the offence of which the offender has been convicted, and pardoning or remitting such part of the punishment awarded for such offence as to him shall seem fit.

The said warrant shall be countersigned by the Magistrate of the zillah or city in which the offender is undergoing his sentence; or, if he is confined in any prison within the limits of a Supreme Court of Judicature, shall be countersigned by a Judge of such Court; if it shall appear to such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial; but not otherwise.

Every Sheriff, Jailor, or other person having custody of any offender under sentence of a Court Martial, shall obey and give effect to any warrant of the Commander-in-Chief of the Presidency, duly countersigned as aforesaid, for

for the pardon and release of any offender in his custody, or for the remission of any part of the sentence of any such offender.

ARTICLE 91.

Dismissal from service.

Every Soldier sentenced under these Articles of War to imprisonment with hard labor for either a Military or Non-Military offence, shall be struck off the strength of the Regiment or Corps to which he belongs from the date of confirmation of such sentence; and no Soldier who has undergone such imprisonment for any period, shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 92.

Dismissal with ignominy.

Any Soldier sentenced for disgraceful conduct, to dismissal, or to corporal punishment, or to imprisonment with hard labor, shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 93.

Stoppage of pay.

In every case wherein a fine or forfeiture of arrears of pay, or stoppages, shall be adjudged by a Court Martial, any pay or public money due to the offender or that may become due to him, shall be available, with the sanction of the Commander-in-Chief of the Presidency for the payment of the amount so adjudged.

Limitation.

No Soldier sentenced to pay a fine, or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence, for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half his pay and allowances, nor be liable to be put under further

 stoppages

stoppages while actually under stoppages to the amount of half of his pay and allowances.

ARTICLE 94.

Trials by Courts Martial may be carried on at any time without restriction. The hour of original assembly of the Court shall be named by the Officer convening the Court, but the adjournment of the Court and the hour of its re-assembly shall be determined by the Court itself.

Time for trials by Courts Martial.

Forms of Proceeding.

ARTICLE 95.

Except as hereinafter provided, a Judge Advocate, or a European Officer of not less than ten years' service, shall be appointed to conduct the proceedings at every General Court Martial, and a European Officer of not less than four years' service, or any Adjutant of a Regiment where such Officer is available, shall be appointed to conduct the proceedings at all other Courts Martial.

Judge Advocate.

ARTICLE 96.

An interpreter shall be appointed to every Court Martial. If no interpreter is available at the Station where the Court Martial sits, the Officer Commanding at such Station shall appoint any competent person under his command to perform the duty of interpreter. Where no interpreter or other competent person is available, the Superintending Officer at the Court Martial shall perform the duty of interpreter.

Interpreter.

ARTICLE 97.

At every Court Martial the Senior Officer shall sit as President without being appointed by warrant. Rissaldar Majors and Subadar Majors are to take precedence according to the

President.

to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Rissaldar. Sirdar Bahadoors and Bahadoors are to take rank only according to their respective Commissions of Rissaldar Major, Subadar Major, Rissaldar, Subadar, or Jemadar. Rissaldars and Rissaidars are to take rank with Subadars, according to the dates of their respective Commissions.

Death or absence of President.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, if the Court shall still consist of not less than the smallest number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 98.

Revision of sentence.

No finding or sentence of a Court Martial shall be revised more than once, and no evidence shall be received on such revision except evidence relating to previous convictions and general character. For the purpose of such revision, the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number for each description of Court Martial directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

ARTICLE 99.

Manner of voting.

The Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the junior in rank. In all cases where a sentence of Death is not awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles. In case of an equality of votes, the decision shall be in favor of the prisoner. The President at a Court Martial shall vote with the other Members, and shall have no casting vote, except upon questions other than the finding and the sentence.

No Court

ARTICLE 100.

Sentence of death.

No Court Martial shall pass a sentence of Death unless two-thirds of the Members present concur in such sentence, or four concur where the Court consist of five Members, or five concur where the Court consist of seven Members.

Affirmations.

ARTICLE 101.

Interpreter's affirmation.

On the assembly of a Court Martial, the Judge Advocate or European Superintending Officer shall administer to the interpreter the following affirmation :—

"I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of law."

In case of the unavoidable absence of an interpreter, the European Superintending Officer of a Court Martial other than a General Court Martial shall make the affirmation prescribed for the interpreter.

Member's affirmation.

The Judge Advocate or Superintending Officer shall then cause the following affirmation to be made by each Member :—

"I, A. B., solemnly affirm in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favor, or affection, and, if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of War in the like cases; and that I will not divulge the sentence of the Court until it shall

shall be published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law."

Judge Advocate's Affirmation.

The following affirmation shall then be administered by the interpreter to the Judge Advocate or Superintending Officer :

" I, A. B., solemnly affirm in the presence of Almighty God, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court Martial in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court, until it shall be published by authority."

It shall be necessary to administer the foregoing affirmations on the commencement of every fresh trial before the same Court.

ARTICLE. 102.

Witness' oath or affirmation.

Every person who gives evidence at a Court Martial shall be examined on oath or affirmation where an affirmation is allowed.

The affirmation shall be to the following effect :—

" I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

If any person after making such affirmation shall wilfully and falsely state any matter or thing which amounts to the offence of giving false evidence as defined in Article 64, such person shall be subject to the same punishment as persons convicted of that offence.

Article 103.

Summoning witness not amenable to these Articles.

When any person required as a witness before a Court Martial is not amenable to Military Law, the Judge Advocate or Officer Commanding shall apply to the Magistrate within whose jurisdiction the witness resides to cause his attendance before such Court Martial. Such Magistrate shall issue his summons to such witness to attend before suchCourt Martial in the same manner as if the witness were required in the Court of such Magistrate.

Article 104.

Record in the Regimental Books of absence without leave and of the declaration of a Court of Enquiry thereon, to have the same effect as a conviction for desertion.

If any Officer or Soldier subject to these Articles of War shall have been illegally absent from his duty for the space of two months, a Regimental Court of Enquiry composed of three Commissioned Officers, of whom all may be European or all Native, or one or more may be European and one or more Native,shall forthwith assemble, and having received proof of the fact on oath or affirmation, shall declare such absence and the period thereof; and the Officer Commanding the Regiment or Corps shall record the declaration of such Court of Enquiry thereon in the Regimental Books: and if such Officer or Soldier shall not afterwards surrender or be apprehended, such record shall have the legal effect of a conviction for desertion. If such Officer or Soldier shall surrender or be apprehended after such record shall have been so entered, such record, or copy thereof, purporting to bear the signature of the Officer having the custody of the Regimental Books, shall, on the trial of such Officer or Soldier on a charge for desertion, be admissible in evidence of the facts therein recorded; and on proof of the identity of the prisoner with the Officer or Soldier therein mentioned, he may be found guilty of desertion.

Article 105.

Proof of absence without leave for two months to be sufficient presumptive evidence of desertion.

If, upon the trial of any Officer or Soldier for desertion, it shall be proved that such Officer or Soldier has been absent without leave, or has overstayed his leave, for the space of two months, such proof shall be deemed sufficient presumptive

presumptive evidence of the desertion of such Officer or Soldier, and shall be sufficient to convict him of the offence of desertion, unless he shall prove that such unauthorized absence was not wilful on his part, or shall otherwise rebut the presumption of desertion arising from proof of his absence without leave.

Article 106.

Reference to Government Officer as to the truth of statement concerning cause of absence.

If upon the trial of such Officer or Soldier for desertion or for absence without leave, he shall state in his defence that his unauthorized absence was not wilful, or that he was detained in his village from sickness, or shall advance any other sufficient excuse for his absence, or any matter sufficient to rebut any presumptive evidence of desertion, and shall refer to any European, Civil or Military Officer of Government in support of his statement ; or if it shall appear to the Court Martial that the truth or falsehood of such statement may be ascertained by reference to any such Civil or Military Officer of Government, it shall be the duty of the Court to address such Civil or Military Officer on the subject, and to adjourn the proceedings until the reply of such Officer is received. The reply of such Officer, if favorable to the prisoner, shall be admissible in evidence, and have the same effect as if the statement had been made before the Court by such Officer in person on oath or affirmation, and proof of the handwriting of such Officer shall not be necessary. Should any Court before which a prisoner is being tried be dissolved prior to the receipt of the reply to any communication made under this Section to any Civil or Military Officer, a fresh Court may be ordered, and the trial shall be commenced anew before such Court.

Article 107.

Powers and Duties of Provost Marshals.

For the prompt and instant repression of irregularities and crimes which may be committed by troops in the field and on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency or the Officer Commanding the forces in the field, and the powers of such Provost Marshals shall be regulated according to the established usages of War and Rules of he service.

The

The duties of the Provost Marshal so appointed are to take charge of prisoners confined for offences of a general description ; to preserve good order and discipline; and to prevent breaches of the same by Soldiers and followers of the Army. The Provost Marshal may punish on the spot, on the same day, any Soldier or follower who, in his view, or in the view of any of his assistants, shall commit any breach of good order and Military discipline : Provided that the punishment be limited to the necessity of the case, and accord with the orders which the Provost Marshal may, from time to time, receive from the Officer commanding the troops. If the Provost Marshal or any of his assistants shall not see the offender actually commit the crime, but sufficient proof can be obtained of the offender's guilt, a report shall be made to the Commander of the troops, who is empowered to deal with the case as he may deem most conducive to the maintenance of good order and Military discipline.

Article 108.

Trials by European Courts Martial.

In any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War who is under orders for trial by a Court Martial, may, as of right, claim to be tried by European Officers. When such claim is made, the Court, whether a General, District, Garrison, or Regimental Court Martial, shall be composed of European Commissioned Officers, and the number of Members, and the proceedings shall be governed in all respects by the provisions of these Articles.

It shall be competent to the Governor General of India in Council by a General Order to extend the privilege of claiming to be tried by European Courts Martial to any Native Troops.

It shall further be competent to the Governor-General of India in Council, or to the Governor in Council of the Presidency, by an Order in Council, to direct that any Court Martial may be composed of European Commissioned Officers. The proceedings of such Courts Martial shall be regulated in every respect

respect as directed in these Articles of War for Native Courts Martial, except that it shall not be necessary to appoint an Officer to conduct the proceedings of such Court Martial.

ARTICLE 109.

Governor-General in Council may by order empower Generals &c. to appoint General or District or Garrison Courts Martial.

It shall be competent to the Governor-General of India in Council or the Governor in Council of any Presidency, from time to time, by an order in Council, to empower every General or other Officer having the Command of troops in the service of Her Majesty, or any such General or other Officer, to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of any Officers, Soldiers, or Followers, subject to these Articles of War, who may be charged with any offence punishable by the said Articles, which, in the judgment of such General or other Officer, requires to be punished without delay; and also to confirm and carry into effect, immediately or otherwise, any sentence of such Court Martial, or to commute, mitigate, or remit any such sentence; or if he shall deem it necessary, to refer any such sentence to the Commander-in-Chief of the Presidency for his orders.

Any General Court Martial, which may be appointed under the authority of this Article, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The order in Council may direct that a General Court Martial to be appointed under the provisions of this Article shall consist wholly of European Commissioned Officers or of Native Commissioned Officers; and in such case, the Officer appointing the Court Martial shall determine whether the same shall consist of European Officers or of Native Officers. Every General Court Martial appointed under the authority of this Article shall have all the powers of a General Court Martial specified in the 78th Article, and sentence of death, or other punishment to which the offender is liable by these Articles, may be awarded by such Court Martial, if a majority of the Members present concur in the sentence.

It shall not be necessary to appoint a Judge Advocate to conduct the proceedings of a European Court Martial under this Article.

CHAPTER IV.

Effects of the Dead.

ARTICLE 110.

Commanding Officer to secure the effects of the dead and to direct an inventory to be taken.

When any Officer or Soldier dies or is killed in the service, or any other person receiving public pay who is subject to these Articles of War in any department belonging to the Army dies or is killed in the field, the Officer Commanding the Regiment, Corps, or Detachment, or the Officer in charge of the department to which such Officer or Soldier or other person belongs, shall, if no heir or executor be present, secure his effects, and direct an inventory thereof to be taken. A duplicate shall be lodged in the Office of the Adjutant, or Officer in charge of the department to which such Officer, Soldier, or other person belongs.

ARTICLE 111.

Sale of effects.

If there be no heir or executor on the spot, the effects are to be publicly sold. The Officer Commanding the Regiment or Corps or Detachment, or the Officer in charge of the department to which the deceased Officer, Soldier, or other person belonged, after discharging the debts of the deceased, namely, the expense of funeral ceremonies, his debts in camp or quarters, and Regimental debts of every description, shall account for the residue to the heir or heirs declared by will, whether written or verbal, or nominated in the Regimental register, or in failure of such to the legal representative of the deceased; and in the event of no executor, heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the estate shall be remitted to the General Treasury at the Presidency.

Article 112.

Sale of deserter's effects.

The effects of deserters are to be publicly sold, and the proceeds, after payment of Regimental debts, remitted by the Officer Commanding the Regiment or Corps to which the deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining in such Presidency.

CHAPTER V.

Miscellaneous.

Article 113.

Construction of the Articles as regards a Commander-in-Chief.

All powers and provisions contained in these Articles relating to a Commander-in-Chief shall, unless when otherwise provided, be construed to extend to the Officer Commanding the forces for the time being in any Presidency.

Article 114.

Construction of the Articles as regards Soldiers.

All powers and provisions contained in these Articles relating to Soldiers shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

Article 115.

Troops serving out of their own Presidency.

When any portion of the troops belonging to any Presidency shall be serving within the limits of any other Presidency, such troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief or other Officer Commanding

Commanding the forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as if they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders serving within such Presidency. Provided that it shall be lawful for the Governor-General of India in Council, to direct that the troops, or any part thereof, of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-Chief or Officer Commanding the forces of the Presidency to which they belong for all the purposes of these Articles.

ARTICLE 116.

Assembling Courts Martial in foreign territories.

Any Officer Commanding any portion of Her Majesty's troops serving in any place out of Her Majesty's Territories, or out of the Territories of those States in alliance with Her Majesty in which Her Majesty's forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such place by any person serving with, or belonging to, Her Majesty's Army, being under the immediate Command of such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding such Officer shall not have received any warrant empowering him to assemble Courts Martial; and every Court Martial so assembled shall have the same powers in regard to summoning and examining of witnesses, the trial of, and sentence upon such person, as are granted by these Articles to General Courts Martial. Provided that no sentence of any such Court Martial shall be executed until the Officer Commanding-in-Chief the force to which the person so convicted and sentenced belongs, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District or Garrison Court Martial, in which case the Officer by whom the Court is convened is authorized to confirm, and commute, or mitigate, or remit the same; reporting the proceedings to the Officer Commanding-in-Chief.

Article 117.

No person who shall have been acquitted or convicted by a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided that any person may be tried for the offence of murder, and punished for that offence, notwithstanding he may have been tried and punished for the act which caused death, if at the time of his conviction for the said act death shall not have resulted or shall not have been known by the Court which passed sentence to have resulted.

No person to be tried a second time for the same offence.

When any person subject to these Articles of War shall have been found guilty by a Court Martial of any Military offence, such Court Martial shall enquire into and receive evidence of any previous conviction of such person before a Court Martial or a Court of Justice, and shall enquire into the general character of such person, if a Soldier, for the purpose of apportioning the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty. But no such evidence shall, in any case, be received until the Court shall have ascertained that such person had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all persons previous to trial.

Article 118.

Any Officer or Soldier, who thinks himself wronged by his Superior or other Officer, is to complain thereof to the Officer Commanding his troop or company; and if his grievance be not redressed, may further complain to the Officer Commanding the Regiment or Corps to which he belongs, who is hereby required to examine into such complaint, or remit it to his Superior Authority, as the circumstances may require. If the complaint so preferred to the Commanding Officer should appear to be frivolous or groundless, the Officer or Soldier preferring it shall be liable to be punished according to the sentence of a General or other Court Martial; provided that such Officer or Soldier shall not on such account be liable to be sentenced to dismissal, nor to suffer corporal punishment or imprisonment with hard labor.

Complaints against Superior Officers.

Article 119.

Prisoners of War.

Any Officer or Soldier, who shall be taken prisoner by the enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service. If such Officer or Soldier can then establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, that he resisted as long as he was able, that he did not serve with or assist the enemy, and that he returned as soon as possible to the service, he shall be entitled, after the finding of such Court Martial shall have been confirmed by the Commander-in-Chief of the Presidency, to receive either the whole or such portion of his arrears of pay and allowances as the local Government shall determine.

Article 120.

Subsistence allowance to prisoners not dismissed.

Every Officer or Soldier or follower in receipt of any public pay, who is imprisoned under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, if such imprisonment does not involve dismissal under Article 91, receive subsistence only, to the amount of his pay proper, according to the rates laid down in the Regulations.

Article 121.

Sentences of transportation for a term of years, passed for offences, punishable with transportation for life, rendered valid.

When before the passing of these Articles of War any Court Martial or any Special Commissioner shall have sentenced any person subject to the Articles of War for the Native Army in force at the date of such sentence, to transportation for any term less than the term of his life, for an offence punishable under the Articles then in force with transportation for life, such sentence, to the extent of the punishment awarded thereby, shall be deemed as valid and effectual as if the offender had been sentenced to transportation for life.

Article 122.

Sentence of imprisonment with hard labor passed for offences punishable with simple imprisonment or corporal punishment, rendered valid.

When before the passing of these Articles of War any Court Martial or any Special Commissioner shall have sentenced any person subject to the Articles of War for the Native Army in force at the date of such sentence to imprisonment with hard labor for an offence for which by the Articles of War then in force a sentence of simple imprisonment only could lawfully be passed, such sentence shall be deemed valid and effectual; and all persons are hereby indemnified for any thing done in pursuance of such sentence.

Article 123.

Sentences passed by Officers Commanding Regiments exercising Magisterial powers, rendered valid.

When before the passing of these Articles of War any Officer Commanding a Regiment or Corps and exercising Magisterial powers, shall have sentenced to punishment any person subject to the Articles of War for the Native Army in force at the date of such sentence, such sentence shall be deemed valid, and shall be carried into effect, notwithstanding that such sentence was passed by such Officer in any part of the British Territories where he was not authorized to exercise such Magisterial powers. Provided that such sentence be one which it would have been within the competency of such Officer to pass within the Territories where he was authorized to exercise such powers.

CHAPTER VI.

Mode of dealing with offences not Military.

Article 124.

Persons charged with offences cognizable by the Criminal power to be delivered over to the Magistrate.

When any Officer or Soldier, in any place within the jurisdiction of any Criminal Court established by Her Majesty or the Government of India or any local Government, is accused of any offence triable by such Court, he shall be delivered over to a Magistrate to be proceeded against according to law.

All

All Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

ARTICLE 125.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

In any place out of the British Territories in India, such offences, when committed by Officers or Soldiers, shall be cognizable by Courts Martial.

ARTICLE 126.

Offences cognizable by General Courts Martial.

General Courts Martial shall have cognizance of offences punishable with

Death;

Transportation;

Imprisonment for a period that may extend to seven years or to fourteen years.

ARTICLE 127.

Offences cognizable by District or Garrison Courts Martial.

District or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years. District or Garrison Courts Martial shall also by special order of the Officer Commanding the forces have cognizance of offences of which a General Court Martial may take cognizance (not punishable with death or transportation for life), with power to sentence to imprisonment for any such offence for a period which may extend to three years.

ARTICLE 128.

Offences cognizable by Regimental, Detachment, or Line Courts Martial.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order of the Officer Commanding the forces, of offences ordinarily cognizable by District or Garrison Courts Martial, with power

power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

General Courts Martial.

ARTICLE 129.

Punishment of death.

Any Officer or Soldier who shall be convicted by a General Court Martial of causing death, shall be deemed to have committed murder—

1*st.* If the act by which death was caused, was done with the intention of causing death; or

2*nd.* If it was done with the intention of causing such bodily injury as the offender knew to be likely to cause the death of the person to whom the harm was caused; or

3*rd.* If it was done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted was sufficient in the ordinary course of nature to cause death; or

4*th.* If the person committing the act, knew that it was so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and if he committed such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Any Officer or Soldier convicted of murder shall be sentenced to be hanged by the neck till he is dead, or to transportation for life.

ARTICLE 130.

Offences punishable by imprisonment or transportation for life.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person endangering the life of such person; that is to say,—

1*st*. Breaking, or attempting to break, by day or night, into any dwelling-house, tent, boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal;

2*nd*. Robbery or attempt to rob;

3*rd*. Stealing or attempting to steal in a house, or from the person—

Shall be sentenced by such General Court Martial to transportation for life, or for any period not less than seven years, or to imprisonment with hard labor for a period that may extend to fourteen years.

ARTICLE 131.

Robbery, &c., accompanied with wounding, &c. not endangering life.

Any Officer or Soldier who shall be convicted by a General Court Martial—

Of any offence specified in Clauses 1, 2, and 3 of the last Article, accompanied with wounding or other corporal injury to any person not endangering the life of such person;——or

ARTICLE 132.

Robbery by open violence or dacoity.

Of robbery by open violence, or dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery;——or

ARTICLE 133.

House-breaking by night.

Of breaking, or attempting to break into any dwelling-house, tent, boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal;——or

Of

ARTICLE 134.

House-breaking and stealing.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed one hundred Rupees ;——or

ARTICLE 135.

Buying or receiving stolen property.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery, by open violence, or by theft or robbery, aggravated as described in Article 130 or Article 131 ;——or

ARTICLE 136.

Unnatural crime.

Of an unnatural crime ;——or

ARTICLE 137.

Rape.

Of Rape ;——

Shall be sentenced by such General Court Martial to imprisonment with hard labor for a period not exceeding fourteen years.

ARTICLE 138.

Culpable homicide not amounting to murder.

Any Officer or Soldier who shall be convicted by a General Court Martial—

Of the offence of culpable homicide not amounting to murder ;——or

ARTICLE 139.

Wounding with intent to murder.

Of the offence of wounding, or otherwise causing any corporal injury to any person with intent to murder, whether the person wounded or otherwise injured be the person whom the offender

offender intended to murder, or another; or of attempting to commit murder by any means whatsoever; ——

Shall be sentenced by such General Court Martial to imprisonment with or without hard labor for a period not exceeding fourteen years.

ARTICLE 140.

Any Officer or Soldier who shall be convicted by a General Court Martial—

Premeditated affray, attended with Culpable Homicide.

Of premeditated affray, attended with culpable homicide not amounting to murder, or severe wounding, or other aggravating circumstance;——or

ARTICLE 141.

Intentionally doing corporal injury.

Of intentionally wounding, maiming, or otherwise doing corporal injury to any person;——or

ARTICLE 142.

Accidentally doing corporal injury to one person when intended to be done to another.

Of accidentally wounding, maiming, or otherwise doing corporal injury to any person with the intention of doing such injury to another person;——or

ARTICLE 143.

House-breaking by night.

Of breaking into any dwelling-house, tent, boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein;——or

ARTICLE 144.

Theft in a dwelling-house.

Of stealing from any habitation, or from any person, any property exceeding three hundred Rupees in value;

——or

ARTICLE 145.

ARTICLE 145.

Buying or receiving stolen property exceeding 300 Rupees in value.

Of having purchased or received any property so stolen, exceeding in value three hundred Rupees, knowing it to have been stolen ;——or

ARTICLE 146.

Arson.

Of Arson ;——or

ARTICLE 147.

Enticing unmarried woman under 15 years.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of fifteen years ;——or

ARTICLE 148.

Stealing children under 8 years.

Of stealing a child under the age of eight years ; ——or

ARTICLE 149.

Counterfeiting or fabricating Deed, &c.

Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper of any description ; or any counterfeit seal or signature thereto ; or the illicit imitation of any public stamp or stamped paper issued by Government ; or of using, selling, or disposing of such stamped paper, knowing the same to be counterfeit ; or of fraudulently issuing and publishing as true, or of fraudulently giving effect to any fabricated deed or paper knowing it to be a forgery ;——

ARTICLE 150.

ARTICLE 150.

Counterfeiting Coin, &c.

Of forging or procuring to be forged any counterfeit coin, in imitation of any of the gold, silver, or copper coin of the Government of India, or of any coin usually received as money in the British Territories in India; or of clipping, filing, drilling, or defacing any such coin; or of paying or tendering in payment counterfeit Coin, Bank Notes, or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete;—

Shall be sentenced by such General Court Martial to suffer imprisonment with or without hard labor for any period not exceeding seven years.

District or Garrison Courts Martial.

ARTICLE 151.

Powers of District or Garrison Courts Martial.

It shall be competent to the Commander-in-Chief of the Presidency, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in these Articles of War, except offences for which the punishment of death or transportation for life is provided, to be tried for such offences before a District or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to imprisonment with or without hard labor for any period not exceeding three years.

ARTICLE 152.

Stealing property not exceeding 300 Rupees, but exceeding 50 Rupees in value.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial—

Of

Of stealing from any habitation, or from the person, any property of value not exceeding three hundred Rupees, but exceeding fifty Rupees ;——or

ARTICLE 153.

Buying or receiving stolen property not exceeding 300 Rs. in value.

Of having purchased or received any stolen property of value not exceeding three hundred Rupees, knowing it to have been stolen, but not under aggravating circumstances ;——or

ARTICLE 154.

Dishonestly having stolen property in possession

Of dishonestly having stolen property in his possessio n, and of having dishonestly kept possession of such property after becoming aware of its having been stolen ;

Punishable with imprisonment not exceeding three years.

Shall be sentenced by such Court to suffer imprisonment with or without hard labor for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

ARTICLE 155.

Offences punishable by imprisonment not exceeding six months.

It shall be competent to any Officer having authority to convene a Regimental, Detachment, or Line Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in these Articles of War, for which no punishment exceeding imprisonment with hard labor for three years is therein provided, to be tried before Regimental, Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer imprisonment with or without hard labor for any period not exceeding six calendar months.

ARTICLE 156.

ARTICLE 156.

Any Officer or Soldier, who shall be convicted ;—

Stealing property not exceeding 50 Rupees in value.

Of stealing property not exceeding fifty Rupees in value ;——or

ARTICLE 157.

Simple assault or affray.

Of assault or affray, unattended with homicide, severe wounding, or aggravating circumstances—

Punishable with imprisonment not exceeding one year if awarded by General, District, or Garrison Court Martial.

or not exceeding six months if awarded by a Regimental, Detachment, or Line Court Martial

May be sentenced to suffer imprisonment with or without hard labor for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial ; or for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by imprisonment from six months to two years according to the description of the Court.

ARTICLE 158.

Any Officer or Soldier, who shall be convicted—

Resisting process of a Magistrate or Police Officer.

Of resisting the process of a Magistrate or Police Officer ;——or

ARTICLE 159.

Committing any offence not already provided for.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War ;

May

Punishable with imprisonment not exceeding two years if awarded by General Court Martial.

not exceeding one year if by District or Garrison Court Martial,

and not exceeding six months if by a Regimental, Detachment, or Line Court Martial

May be sentenced to suffer imprisonment for any period not exceeding two years by the award of a General Court Martial, for any period not exceeding one year by the award of a District or Garrison Court Martial, and for any period not exceeding six calendar months by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 160.

Offence of aiding and abetting.

Any Officer or Soldier, who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of these Articles, shall be sentenced by such Court to any punishment in these Articles provided for such offence, and within the competency of such Court to award.

ARTICLE 161.

Sentence of death.

No sentence of death shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the person on whom such sentence is passed belongs; or if such person is attached to the force of any Presidency, but is serving with a force in any place out of British India, until it be confirmed by the Officer Commanding such force; or if such person belongs to a force in any part of India not under the Commander-in-Chief of any Presidency, until confirmed by the Officer Commanding such force.

ARTICLE 162.

Confirmation, remission, or commutation.

The Commander-in-Chief or other Commanding Officer as provided in the last Article is authorized at his discretion to confirm any sentence of death, and to remit such sentence, or to commute it to transportation for life, or for a period not less than seven years or

or to imprisonment with hard labor for any period not exceeding fourteen years.

ARTICLE 163.

Transportation.

No sentence of transportation shall be carried into effect until confirmed by the Commander-in-Chief, or other Commanding Officer as provided in Article 161, and the Commander-in-Chief or such other Commanding Officer, is authorized at his discretion to remit such sentence or to confirm it, or to commute it to imprisonment with or without hard labor for any period not exceeding fourteen years. Provided that, if the sentence of transportation be for any period less than fourteen years, the imprisonment in commutation shall not be for any longer period.

ARTICLE 164.

Remission or mitigation.

It shall be competent to any Officer having authority, to confirm the sentence of a General or other Court Martial, and to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labor, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 165.

No person to be tried a second time for the same offence.

Any person who shall have been tried by a Court Martial for any offence under the authority of these Articles of War, shall not be tried for the same offence in any other Court whatsoever except as provided in Article 119; and no person who shall have been acquitted or convicted of any offence by any Court of Judicature, shall be punished for the same offence by a Court Martial. But such person may be discharged from the service.

ARTICLE 166.

Regulations respecting Bazaar and Cantonment Police, and Punchayets, declared in force.

The Regulations by which in any Presidency, the office and powers of Commissariat Officers, or Officers in charge of the Police in any Cantonments, or Superintendents of Military Bazars, are at present defined and controlled; or by

by which punchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; shall continue to be in full force, and to be observed at the several Presidencies respectively.

CHAPTER VII.

Application of the Articles.

ARTICLE 167.

Persons amenable to the Articles.

All Officers and Soldiers, Drivers, Farriers, Trumpeters, Drummers, unattested Recruits, Sub-Assistant Surgeons, Native Doctors, Hospital Attendants, Dressers, Artificers, and Laborers, Sutlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles, and to be subject to trial and punishment by Courts Martial.

Provided that all Drivers, Farriers, Trumpeters, Drummers, Recruits, Sub-Assistant Surgeons, Native Doctors, Hospital Attendants, and Dressers, hereafter enlisted, shall be attested according to the Regulations of the Presidency to which they belong.

Persons of European descent (whether on the side of their father or mother) professing the Christian religion, if belonging to the descriptions mentioned in this Article (and not being Her Majesty's natural-born subjects born in Europe, or the children of such subjects,) shall be tried for Military offences by Courts Martial composed of European Officers only, and punished according to these Articles of War. For Criminal or Non-Military offences such persons shall not be amenable to these Articles of War, but shall be tried and punished in the same manner as persons who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers of Her Majesty's Indian forces.

ARTICLE 168.

Promulgation of the Articles.

These Articles are to be translated into the several languages of the different Presidencies; and the following Articles, namely, the 2nd, 3rd, and 4th, the 5th to the 69th, both included; the 78th, 81st, 82nd, 110th, and 118th, are to be read once every three months at the head of every Regiment or Corps, Troop or Company in the service, and to every recruit at the period of his attestation.

ARTICLE 169.

Commencement of Act.

These Articles of War shall take effect on and from the 1st day of November 1861.

ACT No. XXX of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.*)*

An Act to enable the Bengal Military Orphan Society to register under Act XXI of 1860 *(for the Registration of Literary, Scientific, and Charitable Societies.)*

Preamble.

WHEREAS it is expedient to enable the Bengal Military Orphan Society to register under Act XXI of 1860 *(for the Registration of Literary, Scientific, and Charitable Societies)*; It is enacted as follows :—

The Bengal Military Orphan Society how to be registered.

In the case of the Bengal Military Orphan Society, the assent to the Society being registered under the said Act XXI of 1860 of three-fifths of the Members present personally or by proxy at some general meeting specially convened, shall not be required, but the said Bengal Military Orphan Society may be registered under the said Act by the Governor, Deputy Governor, and Managers thereof for the time being, without such assent, anything in the said Act to the contrary notwithstanding, and such Registration shall have the same effect as if it had been made in conformity with the provisions of the said Act XXI of 1860.

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ACT No. XXXI OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.

Preamble.

WHEREAS it is expedient to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof; It is enacted as follows :—

Unlicensed manufacturing &c. of Saltpetre prohibited.

I. From the time when this Act shall come into operation it shall not be lawful for any person in the North-Western Provinces of the Presidency of Bengal, or in any other part of the British territories in India to which this Act shall be extended in the manner hereinafter provided, to manufacture or refine Saltpetre, or to separate or purify any Salt which may be educed in the process of manufacturing or refining Saltpetre, except under a license from the local Government. The license may be granted either for the manufacture of Saltpetre alone, or for the manufacture and refining of Saltpetre and the separation and purification of Salt educed in the process of such manufacture and refining.

Unlicensed manufacturer prohibited from separating &c. Salt educed in the manufacture of Saltpetre.

II. It shall not be lawful for any manufacturer of Saltpetre, not being licensed to manufacture and refine Saltpetre and to separate and purify the Salt educed in the process of the manufacture of Saltpetre, to separate any Salt from any earth or other substance yielding Salt.

Duration and form of license.

III. Every license granted under this Act shall have effect for one year from the date of such license and shall contain the name of the proprietor of the manufactory or manufactory

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tory and refinery of Saltpetre licensed, and of the locality of such manufactory or refinery.

Fees for licenses.

IV. For every license to manufacture Saltpetre there shall be charged a fee not exceeding two Rupees, and for every license to manufacture and refine Saltpetre and to separate and purify Salt in the process of such manufacture and refining, a fee not exceeding one hundred Rupees. The local Government shall within the limits aforesaid fix the amount of the fee to be paid for such licenses respectively.

Salt educed in the manufacture of Saltpetre liable to full Government Duty.

V. The Salt educed in the process of manufacturing or refining Saltpetre by any person licensed to separate and purify Salt as aforesaid (whether the same shall be purified or not) shall be liable to the full Government Duty on Salt in the Presidency or place in which such Salt is separated, educed, or purified, and such Duty shall be levied, on or before such Salt is removed from the place of manufacture.

Penalty.

VI. If any person shall manufacture or refine Saltpetre or separate or purify any Salt educed in the process of manufacturing or refining the same, without a license under this Act, or being licensed only to manufacture Saltpetre, shall separate any Salt in the manufacture thereof, or being licensed to manufacture and refine Saltpetre, shall (except as provided in the next Section) allow any Salt separated n the manufacture or refinement of Saltpetre to be removed from the place of manufacture or refinery without the full amount of Government Duty thereon being first paid, he shall be liable to a fine of five hundred Rupees, and on non-payment thereof to imprisonment with or without hard labor for a period not exceeding six months.

Composition of Duties.

VII. It shall be lawful for the local Government to compound with any person licensed under this Act to manufacture and refine Saltpetre and to separate and purify Salt educed in the process of such manufacturing and refining, for the Duty payable on the Salt estimated to be separated by such person. The composition shall be made for one year only, and may be annually renewed, and shall be in such form, and subject to such provisions and pecuniary penalities, as the local Government

ment shall prescribe. Such provisions and penalties shall be expressed in such license, and the person licensed shall sign a bond embodying such provisions and penalties, and binding him to the fulfilment of all conditions of such license.

Manufactories in the North-Western Provinces to be within Customs jurisdiction.

VIII. Every manufactory of Saltpetre in the North-Western Provinces licensed under this Act, and a space not exceeding one hundred yards around such manufactory if the manufactory be also a refinery of Saltpetre, and not exceeding fifty yards if the manufactory be licensed for the manufacture of Saltpetre only, to be fixed by the local Government under Section III of Act XIV of 1843 (*for regulating the levy of Customs Duties and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal*) shall be included in the Customs jurisdiction of the said Provinces; and the provisions of the said Act XIV of 1843 and of Act XXXVI of 1855 (*to empower Officers of Customs and Land Revenue to search houses and other enclosed places for contraband Salt in the North-Western Provinces*) shall apply to Salt manufactured, separated, or purified contrary to the provisions of this Act, and to such Customs jurisdiction.

Acts XIV of 1843 and XXXVI of 1855 applicable.

In other parts of India to which this Act is extended, who are to exercise the powers conferred by the above Acts on Collectors &c.

IX. In other parts of the British territories in India to which this Act shall be extended in the manner hereinafter provided, the powers conferred by the said Acts XIV of 1843 and XXXVI of 1855 on Collectors and other Officers of Customs and Police Officers respectively, may be exercised by the Magistrates and Police Officers (not being under the grade of a Jemadar or Head Officer of a Police Station) in their respective Districts.

Local Government may frame rules.

X. It shall be lawful for the local Government of the North-Western Provinces and of any other Presidency or place to which this Act shall be extended as hereinafter provided, to frame rules, which shall not be contrary to the provisions of this Act, for securing the Duty payable on Salt separated or purified under licenses to manufacture and refine Saltpetre and to separate and purify Salt educed in manufacturing and refining the same, for compositions under Section VII of this Act, and for the removal of Salt for which composition

position has been made, and otherwise to give effect to this Act. Such rules shall be published in the Official Gazette of such local Government, and shall have the same force and effect as if they were contained in this Act.

To what substances &c. this Act is applicable.

XI. The provisions of this Act, wherever it may be in force, shall apply to the manufacture of Russee, Sujjee, and all other substances manufactured from saline earth, and of Kharee Noon, or Glauber's Salt, and every other form of Sulphate of Soda, and to the works at which any such substance is manufactured.

Levy of forfeitures and penalties by distress.

XII. All forfeitures or penalties imposed under the authority of this Act shall be recoverable by any Magistrate of Police, or by the Magistrate or other Officer exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above named Officers.

Cancellation of license and destruction of works of offenders.

XIII. When any penalty is awarded for the breach of the conditions of any license under this Act, or against the holder of any license for any offence under this Act, the local Government may cancel such license. The Officer who convicts the offender may also, on the application of the Commissioner of Customs or of the Collector of Customs within whose jurisdiction the offence is committed or other Officer authorized in that behalf by the local Government, order the works of such offender at which such offence was committed, to be destroyed.

Procedure until return is made to warrant of distress.

XIV. In case any penalty awarded under this Act shall not be forthwith paid, the Officer by whom such penalty is awarded may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

XV. If

XV. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of fine shalll not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if distress not sufficient.

XVI. If the offender shall be a European British subject, the Magistrate shall record the facts, and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

Levy of fines from European British subjects.

XVII. Nothing in this Act shall be construed to alter or affect the provisions of any other law or Regulation relating to licenses.

Act not to affect provisions of other laws relating to licenses.

XVIII. This Act shall take effect in the North-Western Provinces on the 1st day of December 1861, and may be extended to any other parts of the British territories in India, by an order of the Governor-General of India in Council to be published in the Official Gazette.

Commencement and operation of Act.

ACT No. XXXII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 7th September 1861.)

An Act to postpone the operation of a portion of Clause 8 *Section I of Act XIV of* 1859 *(to provide for the Limitation of Suits).*

Preamble.

WHEREAS it is expedient to postpone the operation of so much of Act XIV of 1859 *(to provide for the Limitation of Suits)* as limits the period for the commencement of suits for the amount of bills for articles sold by retail; It is enacted as follows :—

Part of Clause 8 Section I of Act XIV of 1859 not to take effect before 1st July 1862.

That part of Clause 8 of Section I of the said Act which relates to bills for articles sold by retail, shall not take effect or have any operation before the 1st day of July 1862.

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ACT No. XXXIII of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 22nd November 1861.)

An Act to amend the Schedule annexed to the Code of Criminal Procedure.

Preamble.

WHEREAS it is expedient to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows:—

Amendment of the Schedule as regards Section 379 of the Penal Code.

I. In lieu of the words "Court of Session or Magistrate of the District" in Column 7 of the Schedule annexed to the Code of Criminal Procedure referring to Section 379 of the Indian Penal Code, there shall be read the words "Court of Session or any Magistrate."

Amendment of the Schedule as regards Section 457 of the Penal Code.

II. In lieu of the words "Court of Session or Magistrate of the District" in the two Clauses of Column 7 of the said Schedule referring to the provisions contained in Section 457 of the Indian Penal Code, there shall be read the words "Court of Session or Magistrate of the District or Subordinate Magistrate of the 1st Class."

Construction.

III. This Act shall be read and taken as part of the Code of Criminal Procedure.

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TITLES

OF

ACTS PASSED BY THE LEGISLATIVE COUNCIL OF INDIA,

IN THE YEARS, 1859-61.

TITLES OF ACTS PASSED IN 1859.

ACT No. I.—An Act for the amendment of the law relating to Merchant Seamen.

" II, to amend Act XXX of 1858 (to provide for the administration of the Estate, and for the payment of the debts of the late Nabob of the Carnatic.)

" III, for conferring Civil jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.

" IV, to make further provision for the removal of Prisoners.

" V, to empower the holders of Ghatwalee lands in the District of Beerbhoom to grant leases extending beyond the period of their own possession.

" VI, to empower the Governor of Bombay in Council to appoint a Magistrate for certain Districts within the Zillah Ahmedabad.

" VII, to alter the Duties of Customs on goods imported or exported by Sea.

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ACT No. VIII, for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.

" IX, to provide for the adjudication of claims to property seized as forfeited..

" X, to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.

" XI, to improve the law relating to sales of land for arrears of Revenue in the Lower Provinces under the Bengal Presidency.

" XII, to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.

" XIII, to provide for the punishment of breaches of contract by Artificers, Workmen, and Laborers in certain cases.

" XIV, to provide for the Limitation of Suits.

" XV, for granting exclusive privileges to Inventors.

" XVI, to explain Act XXX of 1858 (to provide for the administration of the Estate, and for the payment of the debts of the late Nabob of the Carnatic.)

" XVII, to amend the law for the realization of Revenue from Abkaree in the Island of Bombay.

" XVIII, to amend the law relating to offences declared to be punishable on conviction before a Magistrate.

" XIX, to continue in force until the end of the year 1859 Act XXVIII of 1857.

" XX, for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George.

Act No. XXI, for providing for the exercise of certain powers by the Governor-General during his absence from his Council.

„ XXII, to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.)

„ XXIII, to alter the rates of Duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively.

„ XXIV, for the better regulation of the Police within the Territories subject to the Presidency of Fort St. George.

„ XXV, to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.

„ XXVI, to continue in force for a further period Act XXVIII of 1857.

„ XXVII, to continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857.

„ XXVIII, to revive and continue in force for a further period Act XXXIII of 1857 (to make further provision relating to Foreigners.)

TITLES OF ACTS PASSED IN 1860.

Act No. I—An Act to empower the Governor-General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.

„ II, to amend the law relating to the Carriage of Passengers by Sea.

ACT No. III, to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court.

" IV, to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)

" V, to amend Act III of 1857 (relating to Trespasses by Cattle)

" VI, to amend Act XIX of 1847 (Articles of War for the Native Army.)

" VII, to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.

" VIII, for regulating the establishment and management of Electric Telegraphs in India.

" IX, to make provision for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers.

" X, to amend Act VII of 1859 (to alter the Duties of Customs on goods imported or exported by Sea.)

" XI, to enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Enquiry.

" XII, relating to the Emigration of Native Laborers to the British Colony of Saint Vincent.

" XIII, to repeal certain Laws relating to the jurisdiction of the Zillah Court of Furruckabad.

" XIV, to provide for the execution of process within the premises occupied by His Majesty the King of Oude.

Act No. XV, to amend and extend Act XXII of 1836 (relating to the levy of a Toll on Boats, Rafts, and Floats passing through the Circular and Eastern Canals.)

„ XVI, to amend Act XLV of 1856.

„ XVII, to repeal Act V of 1858 (for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders), and to make certain provisions in lieu thereof.

„ XVIII, to continue in force for a further period of three months Act XXI of 1859, for providing for the exercise of certain powers by the Governor-General during his absence from his Council.

„ XIX, to amend Act XXII of 1855 (for the regulation of Ports and Port-dues), and Act VII of 1858 (for the levy of Port-dues at Ports within the Presidency of Fort Saint George)

„ XX, for settling Promissory Notes of the Government of India producing an annual income of one lac of Rupees, and a Mansion-house and hereditaments called Mazagon Castle, in the Island of Bombay, late the property of Sir Jamsetjee Jejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith.

„ XXI, for the Registration of Literary, Scientific, and Charitable Societies.

„ XXII, to remove certain tracts on the Eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts.

„ XXIII, to amend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.)

ACT No. XXIV, for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland.

„ XXV, for the levy of Port-dues in the Port of Bassein.

„ XXVI, to amend Act VIII of 1855 (relating to the office and duties of Administrator General.)

„ XXVII, for facilitating the collection of debts on succession, and for the security of parties paying debts to the representatives of deceased persons.

„ XXVIII, for the establishment and maintenance of Boundary Marks, and for facilitating the settlement of Boundary Disputes in the Presidency of Fort Saint George.

„ XXIX, to continue in force Act XXVIII of 1857.

„ XXX, to remove the Pergunnahs of Koonch and Calpee in Zillah Jalour from the operation of the general Regulations.

„ XXXI, relating to the manufacture, importation, and Sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.

„ XXXII, for imposing Duties on Profits arising from Property, Professions, Trades, and Offices.

„ XXXIII, relating to Emigration to the British Colony of Natal.

„ XXXIV, to indemnify Officers of Government and other persons in respect of fine and contributions levied, and acts done by them during the late disturbances.

„ XXXV, relating to the Transportation of Convicts.

Act No. XXXVI, to consolidate and amend the law relating to Stamp Duties.

„ XXXVII, to repeal Act XVI of 1859.

„ XXXVIII, to explain Act XXX of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.)

„ XXXIX, to amend Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices.)

„ XL, to amend Act XXXVI of 1860.

„ XLI, relating to the Emigration of Native Laborers to the British Colony of Saint Kitts.

„ XLII, for the Establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter.

„ XLIII, to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)

„ XLIV, for providing for the exercise of certain powers by the Governor General during his absence from his Council.

„ XLV, the Indian Penal Code.

„ XLVI, to authorize and regulate the Emigration of Native laborers to the French Colonies.

„ XLVII, for giving to the Universities of Calcutta, Madras, and Bombay the power of conferring Degrees in addition to those mentioned in Acts II, XXII, and XXVII of 1857.

ACT No. XLVIII, to amend Act XIII of 1856 (for regulating the Police of the Towns of, Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).

" XLIX, relating to Vessels carrying Emigrant Passengers to the British Colonies.

" L, to amend the law relating to Vacations in the Civil Courts within the Presidency of Fort William in Bengal.

" LI, further to amend Act XXXVI of 1860.

" LII, to amend Act XVIII of 1854 (relating to Railways in India.)

" LIII, to amend Act X of 1859.

TITLES OF ACTS PASSED IN 1861.

ACT No. I—An Act for the improvement of the administration of Justice and despatch of business in the Supreme Court of Judicature in Bombay.

" II, to amend Act VI of 1857 (for the acquisition of land for public purposes).

" III, to provide for the collection of Duty of Customs on Pepper exported by Sea from the British Port of Cochin.

" IV, for the levy of Port-dues at Calingapatam and Munsoorcottah within the Presidency of Fort St. George.

" V, for the Regulation of Police.

" VI, to alter the time from which the Indian Penal Code shall take effect.

" VII, to empower the Governor General in Council to increase the rate of Duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay.

Act No. VIII, for the levy of Port-dues in the Port of Amherst.

" IX, to amend the law relating to Minors.

" X, to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.

" XI, to amend Act XIV of 1859 (to provide for the limitation of suits.)

" XII, to amend Act XLII of 1860.

" XIII, to regulate temporarily the Procedure of the Police enrolled under Act V of 1861 (for the regulation of Police.)

XIV, to remove certain tracts of Country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.

" XV, for the levy of Port-dues in the Ports of the Concan.

" XVI, for licensing and regulating Stage Carriages.

" XVII, to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces.)

" XVIII, for imposing a Duty on Arts, Trades, and Dealings.

" XIX, to provide for a Government Paper Currency.

" XX, to amend Act XXV of 1858 (for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay).

" XXI, for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices) and Act XXXIX of 1860 (to amend Act XXXII of 1860).

Act No. XXII, to amend Act III of 1857 (relating to trespasses by Cattle.)

„ XXIII, to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)

„ XXIV, to enable the Banks of Bengal, Madras, and Bombay to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.

„ XXV, for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.

„ XXVI, to regulate the occupation of land in the Settlement of Malacca.

„ XXVII, to regulate the administration of Port Blair and other Settlements in the Andaman Islands.

„ XXVIII, to extend the provisions of Act I of 1859 (for the amendment of the Law relating to Merchant Seamen.)

„ XXIX, to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army.

„ XXX, to enable the Bengal Military Orphan Society to register under Act XXI of 1860 (for the Registration of Literary, Scientific, and Charitable Societies.)

„ XXXI, to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.

„ XXXII, to postpone the operation of a portion of Clause 8 Section I of Act XIV of 1859 (to provide for the Limitation of Suits).

„ XXXXIII, to amend the Schedule annexed to the Code of Criminal Procedure.

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IN THE YEARS 1859-61.

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AMHERST. Levy of Port-dues in the Port of——— ...	1861	VIII.
ANDAMAN ISLANDS. Administration of Port Blair and other Settlements in the——— ...	1861	XXVII.
ARMS AND AMMUNITION ACT continued in force until the end of the year 1859 ... [*Temporary.*]	1859	XIX
——————— continued in force till 30th June 1860 ... [*Temporary.*]	1859	XXVI.
——————— continued in force till 31st July 1860 ... [*Temporary.*]	1860	XXIX.
———————. Manufacture, importation, and sale of———, and regulation of the right to keep and use the same, and power of disarming in certain cases ...	1860	XXXI.
ARREARS OF REVENUE. Improvement of the law relating to sales of land for———in the Lower Provinces under the Bengal Presidency ...	1859	XI.
ARTICLES OF WAR. Amendment of the————for the Native Army ...	1860	VI.
————. Consolidation and amendment of the———for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army ...	1861	XXIX.

	Year	No. of Act.
ARTIFICERS, WORKMEN, AND LABORERS. Punishment of ———in certain cases for breach of contract ...	1859	XIII.
ARTS, TRADES, AND DEALINGS. Duty on——— ... [*Temporary.*]	1861	XVIII.
B.		
BANKING COMPANIES (*Joint Stock*) may be formed on the principle of limited liability	1860	VII.
BANKS OF BENGAL, MADRAS, AND BOMBAY enabled to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries ...	1861	XXIV.
BASSEIN. Levy of Port-dues in the Port of——— ...	1860	XXV.
BEERBHOOM. Holders of Ghatwalee lands in the District of———empowered to grant leases extending beyond the period of their own possession ...	1859	V.
BENGAL MILITARY ORPHAN SOCIETY enabled to register under Act XXI of 1860 (for the registration of literary, scientific, and charitable Societies) ...	1861	XXX.
BOMBAY. Amendment of Act XXV of 1858 (for appointing Municipal Commissioners and for raising a fund for Municipal purposes in the Town of ——) ...	1861	XX.

	Year.	No. of Act.
BOMBAY. Governor General in Council empowered to increase the rate of Duty leviable on Salt manufactured in, or imported into, any part of the Presidency of——— ...	1861	VII.
———. Improvement of the administration of Justice and despatch of business in the Supreme Court of Judicature in—— ...	1861	I.
———ARKAREE REVENUE. Amendment of the law for the realization of the ———...	1859	XVII.
———CUSTOMS. Amendment of Act I of 1852, relating to the——— ...	1859	XXII
———LAND CUSTOMS. Amendment of the law relating to the——— ...	1859	XXIII.
BOUNDARY MARKS. Establishment and maintenance of———and settlement of Boundary disputes in the Presidency of Fort St. George ...	1860	XXVIII
BREACHES OF CONTRACT. Punishment of———by Artificers, Workmen, and laborers, in certain cases ...	1859	XIII.
C.		
CALINGAPATAM. Levy of Port-dues at———and Munsoorcottah within the Presidency of Fort St. George ...	1861	IV.
CALPEE. Removal of the Pergunnahs of Koonch and———in Zillah Jaloun from the operation of the general Regulations ..	1860	XXX
CANALS. *(Circular and Eastern).* Amendment and extension of the law relating to the levy of a Toll on the——— ...	1860	XV.

	Year.	No. of Act.
CANTONMENT JOINT MAGISTRATES. Civil jurisdiction conferred in certain cases upon ——— and constitution those Officers as Registers of Deeds ...	1859	III.
CARNATIC ESTATE. Amendment of Act XXX of 1858, relating to the——— ...	1859	II.
———. Explanation of Act XXX of 1858 relating to the——— ..	1859	XVI.
———. Repeal of Act XVI of 1859 relating to the——— ...	1860	XXXVII.
———. Explanation of Act XXX of 1858 relating to the——— ...	1860	XXXVIII.
CARRIAGES. Licensing and regulation of Stage——— ...	1861	XVI.
CATTLE TRESPASS. Amendment of Act III of 1857 (relating to——) ...	1860 1861	V. XXII.
CHARITABLE SOCIETIES. Registration of Literary, Scientific, and——— ..	1860	XXI.
CHITTAGONG DISTRICT. Removal of certain tracts on the Eastern Border of the, ———from the jurisdiction of theordinary tribunals...	1860	XXII.
CIVIL PROCEDURE. Code of ———in Courts not established by Royal Charter ...	1859	VIII.
———. Amendment of the Code of——— ...	1860 1861	IV, XLIII. XXIII.
———. Repeal of Regulations and Acts relating to——— ...	1861	X.
CLAIMS TO PROPERTY SEIZED AS FORFEITED. Adjudication of——— ...	1859	IX.
COCHIN. Collection of Customs Duty on Pepper exported by sea from the British Port of——— ...	1861	III.

	Year.	No. of Act.
CONCAN. Levy of Port-dues in the Ports of the——— ..	1861	XV.
CONSERVANCY (*Presidency Towns and Straits Settlement*) Amendment of XIV of 1856 relating to———	1860	XVI.
CONTRACTS BY ARTIFICERS, WORKMEN, AND LABORERS Punishment of breaches of———in certain cases ...	1859	XIII.
CONVICTS. Transportation of——— ...	1860	XXXV.
COURTS OF CIVIL JUDICATURE. Code of Procedure in the———not established by Royal Charter ...	1859	VIII.
CRIMINAL PROCEDURE. Simplification of the——— ...	1861	XXV.
CURRENCY. Act to provide for a Government Paper———	1861	XIX
CUSTOMS Amendment of Act I of 1852 (for the consolidation and amendment of the laws relating to the———under the Presidency of Bombay) ...	1859	XXII.
———. Amendment of the Law relating to the Madras and Bombay Land——— ...	1859	XXIII
———AND EXCISE DUTIES. Rates of——on Salt in Bombay, raised ...	1861	VII.
———DUTIES. Alteration of———on goods imported or exported by sea ...	1860	X.
——— Governor-General empowered to increase the———on Salt imported into the North-Western Provinces ...	1860	I.
———. Amendment of Act XIV of 1843 (for regulating the———in the North-Western Provinces) ...	1861	XVII.
———ON GOODS IMPORTED OR EXPORTED BY SEA Alteration of the——— ...	1859	VII.

	Year.	No. of Act.
CUSTOMS DUTY ON PEPPER. Collection of the——exported by sea from the British Port of Cochin ..	1861	III.
D.		
DEALINGS. Duty on Arts, Trades, and—— ... [Temporary.]	1861	XVIII.
DUTIES. Amendment of Act XIV of 1843 (for regulating the Customs——in the North-Western Provinces) ...	1861	XVII.
DUTY. Collection of Customs——on Pepper exported by sea from the British Port of Cochin ...	1861	III.
DUTY LEVIABLE ON SALT. Governor General in Council empowered to increase the rate of—— manufactured in, or imported into, any part of the Presidency of Bombay ...	1861	VII.
DUTY ON ARTS, TRADES, AND DEALINGS ... [Temporary.]	1861	XVIII.
E.		
ELECTRIC TELEGRAPHS. Establishment and management of——in India ...	1860	VIII.
EMIGRANT VESSELS. Act relating to—— ...	1860	XLIX
EMIGRATION TO THE BRITISH COLONY OF SAINT VINCENT.	1860	XII.
——NATAL ...	1860	XXXIII.
——SAINT KITTS ...	1860	XLI.
——FRENCH COLONIES ...	1860	XLVI.

	Year.	No. of Act.
Escaped Offenders. Amendment of Act V of 1858 relating to——— ...	1860	XVII.
Excise. Rates of Customs and———Duties on Salt in Bombay raised ..	1861	VII.
Exclusive Privileges to Inventors	1859	XV.
F.		
Foreigners. Act to revive and continue in force for a further period Act XXXIII of 1857 (to make fur her provision relating to———) [*Temporary.*]	1859	XXVIII.
Foreign Territories. Amendment of the law relating to the Land Customs on goods passing into or from the Madras or Bombay Presidency from or into certain——— ...	1859	XXIII.
Forfeited Property. Adjudication of claims to———	1859	IX.
French Colonies. Emigration to the——— ...	1860	XLVI.
Furruckabad Zillah Court. Repeal of certain laws relating to the jurisdiction of the——— ...	1860	XIII.
G		
Ghatwalee Lands. Holders of———in the District of Beerbhoom empowered to grant leases in certain cases extending beyond the period of their own possession ...	1859	V.
Governor-General. Exercise of certain powers by the———during his absence from his Council ... [*Temporary.*]	1859 1860	XXI. XVIII, XLIV.

		Year.	No. of Act.
	I.		
Income Tax.	Imposition of Duties on Profits arising from Property, Professions, Trades, and Offices ... [*Temporary.*]	1860	XXXII.
———.	Amendment of Act relating to the——— ... [*Temporary*]	1860	XXXIX.
———.	Limit in certain cases, for the year commencing from the 31st July 1861, of the amount of Duty chargeable under Acts XXXII and XXXIX of 1860. ... [*Temporary.*]	1861	XXI.
Indemnity to Officers of Government	and other persons in respect of fines and contributions levied, and acts done by them during the late disturbances ...	1860	XXXIV
Indian Penal Code.	Alteration of the time from which the———shall take effect ...	1861	VI.
Indigo Contracts.	Enforcement of the fulfilment of— ... [*Temporary.*]	1860	XI.
Inventors.	Grant of Exclusive Privileges to——— ...	1859	XV.
	J.		
Jamsetjee Jejeebhoy Baronetcy.	Act relating to the——...	1860	XX.
Joint Stock Banking Companies	may be formed on the principle of limited liability ...	1860	VII.
Joint Magistrates.	Conferment of Civil jurisdiction in certain cases upon Cantonment — and constitution of those Officers as Registers of Deed ...	1859	III.

	Year.	No. of Act.
K.		
KING OF OUDE. Execution of process within the premises occupied by——— ...	1860	XIV.
KOONCH AND CALPEE. Removal of the Pergunnahs of ———in Zillah Jaloun from the operation of the general Regulations ...	1860	XXX.
L.		
LABORERS. Punishment of breaches of contract by artificers, workmen, and———in certain cases ...	1859	XIII
LAND. Occupation of ———in the Settlement of Malacca...	1861	XXVI.
LAND CUSTOMS. Amendment of the law relating to the Madras and Bombay——— ...	1859	XXIII.
LAND FOR PUBLIC PURPOSES. Amendment of Act VI of 1857 (for the acquisition of———)	1861	II.
LAND SALES FOR ARREARS OF REVENUE. Improvement of the law relating to———in the Lower Provinces of the Presidency of Bengal ...	1859	XI.
LEASES OF GHATWALEE LANDS in the District of Beerbhoom may in certain cases be granted by the holders of those lands for terms extending beyond the period of their own possession ...	1859	V.
LIMITATION OF SUITS. Provision for the——— ...	1859	XIV.

	Year.	No. of Act.
LIMITATION OF SUITS. Amendment of Act XIV of 1859 (to provide for the ———) ... [*Temporary.*]	1861	XI.
———————. Postponement of the operation of a portion of Clause 8 Section I of Act XIV of 1859 (to provide for the ———) ... [*Temporary.*]	1861	XXXII.
LIMITED LIABILITY. Joint Stock Banking Companies may be formed on the principle of——— ...	1860	VII.
LITERARY, SCIENTIFIC, AND CHARITABLE SOCITIES. Registration of——— ...	1860	XXI.
M.		
MADRAS LAND CUSTOMS. Amendment of the law relating to the——— ...	1859	XXIII.
———POLICE. Better regulation of the——— ...	1859	XXIV.
MAGISTRATE. Amendment of the law relating to offences declared to be punishable on conviction before a——— ...	1859	XVIII.
MALABAR OUTRAGES. Suppression of——— ...	1859	XX.
MALACCA. Occupation of land in the Settlement of———...	1861	XXVI.
MARRIAGES. Solemnization of———in India by ordained Ministers of the Church of Scotland ...	1860	XXIV.
MERCHANT SEAMEN. Amendment of the law relating to——	1859	I.
———————. Extension of the provisions of Act I of 1859 (for the amendment of the law relating to———) ...	1861	XXVIII.

	Year.	No. of Act.
MILITARY ORPHAN SOCIETY. Bengal——enabled to register under Act XXI of 1860 (for the registration of literary, scientific, and charitable Societies) ...	1861	XXX.
MINORS. Amendment of the law relating to——— ...	1861	IX.
MOPLAS. Suppression of outrages committed by——— in the District of Malabar in the Presidency of Fort Saint George ...	1859	XX.
MUNICIPAL COMMISSIONERS. Amendment of Act XXV of 1858 (for appointing———and for raising a Fund for Municipal purposes in the Town of Bombay) ...	1861	XX.
MUNSOORCOTTAH. Levy of Port-dues at Calingapatam and———in the Presidency of Fort Saint George ...	1861	IV.
N.		
NABOB OF THE CARNATIC. Amendment of Act XXX of 1858, regarding the administration of the estate and payment of the debts of the late——— ...	1859.	II.
———————. Explanation of Act XXX of 1858	1859	XVI.
———————. Repeal of Act XVI of 1859 ...	1860	XXXVII.
———————. Explanation of XXX of 1858 ...	1860	XXXVIII.
NATAL. Emigration to the British Colony of——— ...	1860	XXXIII.
NATIVE PASSENGER VESSELS. Act to prevent the overcrowding of———in the Bay of Bengal ...	1859	XXV.

	Year.	No. of Act.
NORMANDY'S APPARATUS FOR DISTILLING SEA WATER. Amendment of the law relating to Emigrant Vessels using——— ...	1860	XLIX.
O.		
OFFENCES DECLARED TO BE PUNISHABLE ON CONVICTION BEFORE A MAGISTRATE. Amendment of the law relating to——— ...	1859	XVIII.
OFFENDERS. Amendment of the law relating to escaped —	1860	XVII
OUDE. (*King of*———). Execution of process within the premises occupied by the——— ...	1860	XIV.
OUTRAGES IN THE DISTRICT OF MALABAR. Suppression of ——— in the Presidency of Fort Saint George ...	1859	XX.
P.		
PAPER CURRENCY. Act to provide for a Government——...	1861	XIX.
PASSENGER VESSELS. (*Native*) ...	1859	XXV.
PASSENGERS. Amendment of the law relating to the carriage of ——— by sea ...	1860	II.
PATENTS FOR INVENTIONS ... [See Inventors.]	1859	XV.
PENAL CODE. The Indian——— ...	1860	XLV.
———. Alteration of the time from which the Indian———shall take effect ...	1861	VI.
PEPPER. Collection of Duty of Customs on———exported by sea from the British Port of Cochin ...	1861	III.

	Year.	No. of Act.
PILOTS. Trial of —— at the Presidency of Fort William in Bengal for breach of duty ...	1859	XII.
POLICE. Better regulation of the ——— within the territories subject to the Presidency of Fort Saint George ...	1859	XXIV.
———. Amendment of the law relating to the ——— of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca ...	1860	XLVIII.
POLICE. Regulation of——— ...	1861	V.
———. Temporary regulation of the Procedure of the ———enrolled under Act V of 1861 ... [*Temporary.*]	1861	XIII.
PORT BLAIR. Administration of———and other Settlements in the Andaman Islands ...	1861	XXVII.
PORT-DUES. Levy of———in the Port of Bassein ...	1860	XXV.
———. Levy of ———at Calingapatam and Munsoorcottah within the Presidency of Fort Saint George ...	1861	IV.
———. Levy of ———in the Port of Amherst ...	1861	VIII.
———. Levy of ———in the Ports of the Concan ...	1861	XV.
PORTS AND PORT-DUES. Amendment of Acts XXII of 1855 and VII of 1858 ...	1860	XIX.
PRISONERS. Removal of ——— ... [*Temporary.*]	1859	IV.
PROCEDURE. Code of Civil ——— in Courts not established by Royal Charter ...	1859	VIII.

	Year.	No. of Act.
PROCEDURE. Amendments of the Code of Civil——— ...	1860 / 1861	IV, XLIII. XXIII.
———. Repeal of Regulations and Acts relating to the———of the Courts of Civil Judicature not established by Royal Charter ...	1861	X.
———. Code of Criminal——— ...	1861	XXV.
———. Amendment of the Schedule annexed to the Code of Criminal—— ...	1861	XXXIII.
PUBLIC PURPOSES. Amendment of Act VI of 1857 (for the acquisition of land for———)...	1861	II.
PUBLIC WORKS Provision for the speedy determination of certain disputes between workmen engaged in Railway and other ——— and their employers ...	1860	IX.
R.		
RAILWAY AND OTHER PUBLIC WORKS. Provision for the speedy determination of certain disputes between workmen engaged in———and their employers ...	1860	IX.
RAILWAYS. Amendment of the law relating to——— in India ...	1860	LII.
REGISTERS OF DEEDS. Cantonment Joint Magistrates may be constituted——— ...	1859	III.
REGISTRATION OF LITERARY, SCIENTIFIC, & CHARITABLE SOCIETIES ...	1860	XXI.
REGULATIONS AND ACTS. Repeal of certain———relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter ...	1861	X.

	Year	No of Act
REMOVAL OF PRISONERS. [Temporary]	1859	IV
RENT Amendment of the law relating to the recovery of——in the Presidency of Fort William in Bengal ...	1859	X
RENTS. Amendment of the law relating to the recovery of——in Bengal ...	1860	LIII
REVENUE. Sales of land for arrears of——in the Lower Provinces under the Bengal Presidency ...	1859	XI
——FROM ABKAREE IN THE ISLAND OF BOMBAY Amendment of the law for the realization of—— ..	1859	XVII
ROHILCUND DIVISION Removal of certain tracts of country in the——from the jurisdiction of the tribunals established under the general Regulations and Acts ...	1861	XIV.
S.		
SAINT KITTS Emigration of Native laborers to the British Colony of—— ...	1860	XLI
——VINCENT. Emigration of Native Laborers to the British Colony of—— .	1860	XII
SALES OF LAND for arrears of Revenue in the Lower Provinces under the Bengal Presidency ...	1859	XI
SALT Governor-General in Council empowered to increase the rate of Duty on——imported into the North-Western Provinces —	1860	I.

	Year.	No. of Act.
SALT. Governor-General in Council empowered to increase the rate of Duty on————manufactured in, or imported into, any part of the Presidency of Bombay ...	1861	VII.
SALTPETRE. Regulation of the manufacture of——and the sale of Salt educed in the refinement thereof	1861	XXXI.
SCIENTIFIC SOCIETIES. Registration of———— ...	1860	XXI.
SEA CUSTOMS. Alteration of the Duties of———— ...	1859	VII.
SEAMEN. Amendment of the law relating to Merchant——	1859	I.
SESSIONS JUDGES empowered to pass sentence in certain cases without reference to the Sudder Court ...	1860	III.
SMALL CAUSE COURTS. Establishment of——beyond the local limits of the jurisdiction of the Supreme Courts established by Royal Charter ...	1860	XLII.
————————. Amendment of Act XLII of 1860 relating to———	1861	XII.
SOCIETIES. Registration of Literary, Scientific, and Charitable——— ...	1860	XXI
STAGE CARRIAGES. License and regulation of ——— ...	1861	XVI.
STAMP DUTIES. Consolidation and amendment of the law relating to ——— ...	1860	XXXVI.
————. Amendment of Act relating to ———...	1860	XL, LI.
SUCCESSION. Collection of debts on————, and security of parties paying debts to the representatives of deceased persons ...	1860	XXVII.
SUITS. Limitation of——, ...	1859	XIV.
SUPREME COURT. Improvement of the administration of Justice and despatch of business in the——of Judicature in Bombay...	1861	I.

T.		Year.	No. of Act.
Telegraphs.	Establishment and management of Electric ——in India ...	1860	VIII.
Temporary Acts.	To make further provision for the removal of Prisoners (*Expired on the 10th February* 1860.) ...	1859	IV.
——————.	To continue in force until the end of the year 1859 Act XXVIII of 1857...	1859	XIX.
——————.	For providing for the exercise of certain powers by the Governor General during his absence from his Council. (*Expired on the 10th May* 1860.) ...	1859	XXI.
——————.	To continue in force Act XXVIII of 1857 till the 30th June 1860. ...	1859	XXVI.
——————.	To continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857. (*Expired on the 31st December* 1860). ...	1859	XXVII.
——————.	To revive and continue in force for a further period Act XXXIII of 1857 (to make further provision relating to Foreigners). (*Expired on the 5th December* 1861). ...	1859	XXVIII.
——————.	To enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Enquiry (*Expired on the 4th October* 1860). ...	1860	XI.
——————.	To continue in force for a further period of three months Act XXI of 1859 for providing for the exercise of certain powers by the Governor-General during his absence from his Council. (*Expired on the 9th August* 1860) ...	1860	XVIII

	Year.	No. of Act.
TEMPORARY ACTS (*continued.*) To continue in force Act XXVIII of 1857. (*Expired on the 31st July* 1860) ...	1860	XXIX
———. For imposing Duties on Profits arising from Property, Professions, Trades, and Offices. (*To continue in force until the 1st August* 1865) ...	1860	XXXII.
———. To amend the foregoing Act (*To continue in force as above*) ...	1860	XXXIX.
———. For providing for the exercise of certain powers by the Governor-General during his absence from his Council (*Expired on the 20th February* 1861)	1860	XLIV.
———. To amend Act XIV of 1859 (to provide for the limitation of suits). (*Expired on the 1st January* 1862) ...	1861	XI.
———. To regulate temporarily the procedure of the Police enrolled under Act V of 1861 (for the regulation of Police). (*Expired on the 1st January* 1862.) ...	1861	XIII.
———. For imposing a Duty on Arts, Trades, and Dealings. (*To continue in force until the 31st July* 1866) ...	1861	XVIII.
———. For limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on profits arising from property, professions, trades, and offices)		

	Year.	No. of Act.
and Act XXXIX of 1860 (to amend Act XXXII of 1860). *(To continue in force until the 31st July 1862)*...	1861	XXI.
TEMPORARY ACTS *(continued)*. To postpone the operation of a portion of Clause 8 Section I of Act XIV of 1859 (to provide for the limitation of suits). *(To continue in force until the 1st July 1862.)* ...	1861	XXXII.
TOLL ON THE CIRCULAR AND EASTERN CANALS. Amendment and extension of the law relating to the levy of a——— ...	1860	XV
TRADES AND DEALINGS. Duty on Arts,——— ... [*Temporary.*]	1861	XVIII.
TRANSPORTATION OF CONVICTS ...	1860	XXXV.
TRESPASSES BY CATTLE. Amendment of the law relating to——— ...	1860 1861	V. XXII.
TRIAL OF PILOTS. At the Presidency of Bengal for breach of duty ...	1859	XII.
TRIALS BY SESSIONS JUDGES. Power to Sessions Judges to pass sentence in certain cases without reference to the Sudder Court ...	1860	III.
U.		
UNIVERSITIES OF CALCUTTA, MADRAS, AND BOMBAY empowered to confer Degrees in addition to those mentioned in Acts II, XXII, and XXVII of 1857 ...	1860	XLVII.

	Year.	No. of Act.
V.		
VACATIONS IN THE CIVIL COURTS. Amendment of the law relating to———within the Presidency of Fort William in Bengal ...	1860	L
VESSELS. Act to prevent the over-crowding of ——— carrying Native Passengers in the Bay of Bengal ...	1859	XXV.
W.		
WORKMEN. Punishment of breaches of contract by Artificers, ———, and Laborers in certain cases ...	1859	XIII.

ACT No. I of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 13th February 1862.)

An Act to revive and continue in force for a further period Act XXXIII of 1857 (to make further provision relating to Foreigners.)

Preamble.

WHEREAS it was enacted by Act XXVIII of 1859, that Act XXXIII of 1857 (*to make further provision relating to Foreigners*) should continue in force for two years from the 5th day of December 1859; and whereas it is expedient to revive and continue the said Act for a further period; It is enacted as follows :—

Act XXXIII of 1857 revived and continued in force till the 5th December 1863.

The said Act XXXIII of 1857 shall continue in force for the period of two years from the 5th day of December 1861, and shall be deemed and taken to have had effect as if this Act had actually passed and received the assent of the Governor-General before the expiration of the said Act XXXIII of 1857, as continued in force by the said Act XXVIII of 1859.

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ACT No. II of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 27th February 1862.)

An Act to repeal Act XVIII of 1861 *(for imposing a Duty on Arts, Trades, and Dealings.)*

Preamble.

WHEREAS the Governor-General in Council has determined that, although the Duties imposed on Arts, Trades, and Dealings, by Act XVIII of 1861 may be equitably adopted as a part of the Financial system of India whenever the exigencies of the State may render it necessary, the said Duties are not now required for the purposes of the Government of India, and may be dispensed with; It is enacted as follows:—

Act XVIII of 1861 repealed.

Act XVIII of 1861 is hereby repealed except so far as it repeals the Regulations and the parts of Regulations of the Madras Code therein mentioned.

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ACT No. III of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 28th February* 1862.)

An Act to amend the law relating to the use of a Government Seal.

Preamble.

WHEREAS it is expedient to adapt the law relating to the use of a Government Seal to the present form of the Government in India; It is enacted as follows :—

What Seal to be used instead of the Seal of the East India Company.

Whenever it is required by any Regulation of a local Government, or by any Act of the Governor-General of India in Council, that the Seal of the East India Company shall be affixed on behalf or by the authority of the Government to any Instrument or document, it shall be lawful, if the Seal is to be affixed on behalf or by the authority of a local Government, to affix in lieu of the Seal of the East India Company a Seal bearing the designation of such local Government, or, if the Seal is to be affixed on behalf or by the authority of the Government of India, a Seal bearing the inscription "Government of India;" and such Instrument or document so sealed shall to all intents and purposes be as valid and effectual as if the Seal so used had been that of the East India Company.

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ACT No. IV of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 28th February 1862.)

An Act for regulating the Bank of Bengal.

Preamble.

WHEREAS the Governor-General of India in Council has, pursuant to the provisions of Act VI of 1839 *(relating to the Bank of Bengal)*, given twelve months' due notice to the Bank of Bengal that the provisions of the said Act, as regards the power of the Bank to issue Promissory Notes under Section XXXI of that Act, would be modified as hereinafter appears, and it is expedient that the provisions of the said Act and of Act XXI of 1854 (*to amend the Law relating to the several Banks of Bengal, Madras, and Bombay*) and of Act XXVII of 1855 (*to enable the Banks of Bengal, Madras, and Bombay to transact certain business in respect of Government Securities and Shares in the said Banks*) as regards the said Bank of Bengal should be re-enacted with certain amendments and modifications hereafter contained; It is hereby enacted as follows:—

Repeal of Act VI of 1839, and Acts XXI of 1854 and XXVII of 1855 so far as they relate to the Bank of Bengal.

I. Act VI of 1839, except in so far as it repeals any prior Charter, Regulation, or Act, and except as to any act or offence done or committed or any liability incurred before this Act shall come into operation, and Acts XXI of 1854 and XXVII of 1855, so far as they severally relate to the Bank of Bengal, are repealed from and after the coming into operation of this Act.

Present Corporation continued.

II. From and after the coming into operation of this Act and notwithstanding the repeal of the said Act VI of 1839, the present and future Proprietors of the capital stock of the Bank of Bengal shall continue to be a body corporate by the name of the Bank of Bengal with perpetual succession, and shall continue to possess and enjoy

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enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Property of the Bank.

III. All property and securities for property, claims, and demands whatsoever now vested in or held by the said Bank of Bengal under and by virtue of the said Act VI of 1839, shall from and after the coming into operation of this Act be vested and continued in the said Bank of Bengal as and being a body corporate under and by virtue of this Act as aforesaid, and the said Bank of Bengal as such body corporate shall be subject to all debts, demands, claims, and liabilities outstanding against the said Bank at the time of this Act so coming into operation, and no suit or proceeding at law or in Equity then pending shall cease or abate in consequence of the repeal of the said Act VI of 1839, or of the continuance of the said Bank by virtue of this Act.

Bank may sue and be sued by corporate name, and hold and transfer property.

IV. The said Bank so continued as aforesaid shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time appoint, and shall be competent as such body corporate to acquire and hold, either absolutely or conditionally for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

Capital of the Bank.

V. The existing capital of the said Bank now consisting of 2,675 shares of Co.'s Rs 4,000 each, divisible into half and quarter shares, shall continue to be the capital of the said Bank, but shall from and after the coming into operation of this Act consist of 10,700 shares of Rupees 1,000 each, divisible into half and quarter shares, and such capital shall be subject to such increase as next hereinafter mentioned.

Increase of Capital.

VI. It shall be lawful for the Directors of the said Bank for the time being, from time to time, as and when they shall deem it expedient so to do, and on such previous notification as they may deem sufficient in that behalf, to increase the said capital and for that purpose to make such orders and directions for the opening of subscriptions towards such increase of capital by the proprietors of the Bank for the time being as to them may seem fit, and also to allow to the said Proprietors such period to fill up the subscription as to them the said Directors shall seem meet, and also to prescribe in what manner and form the said Proprietors shall subscribe

subcribe and pay into the said Bank the proportions of new capital which such Proprietors may respectively desire to subscribe, and also to make such orders and directions as to them the said Directors may seem fit, for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up by Proprietors for the time being, in the manner and form so prescribed. Provided always that the capital of the said Bank, including any increase therein that may be made under Section XXXVII of this Act, shall not in the whole exceed 30,000 shares of 1,000 Rupees each.

Consolidated Stock.

VII. It shall be lawful for any Proprietor of any 1000 Rupees share or shares or of any half or quarter share or shares in the existing capital or in the new capital so to be created as aforesaid, at any time and from time to time to surrender such share or shares or half or quarter share or shares or any of them to the Directors of the Bank for the time being, and to demand and receive from the Bank, in lieu thereof, consolidated stock to the like amount as represented by the share or shares or half or quarter share or shares so surrendered, and in like manner any Proprietor or other person subscribing for any portion of the new or increased capital under the provisions hereinbefore contained, may at his option subscribe for shares or for consolidated stock or partly for shares and partly for stock.

Consolidated stock how transferable.

VIII. The consolidated stock aforesaid shall be transferable (subject to the provisions hereinafter contained with respect to transfers) in any amount or sum not less than 250 Rupees, and the holder of any share or shares or half or quarter shares or share or of any consolidated stock, shall be a Proprietor of and interested in the capital of the Bank to the extent of the amount of the shares or half or quarter shares or stock so held by him.

Certificates of shares and receipts for Stock.

IX. A certificate signed by three Directors of the said Bank shall be delivered to the Proprietor of any share or half or quarter shares of the capital of the said Bank, upon demand made by such Proprietor, and any Proprietor of more than one such share or half or quarter share, may at his option demand a certificate for each or one certificate for all his shares, and a receipt shall in like manner on demand be delivered to the Proprietor of any stock, and any Proprietor of stock may at his option demand one receipt for the whole of the stock or separate receipts for any portions of the stock so held by him.

X.

Shares and stock to be deemed personal estate.

X. The proportion of the capital of the said Bank held by any Proprietor, whether held as shares or as consolidated stock, shall be of the nature of personal estate of such Proprietor.

Transfer of shares and stock.

XI. Shares in the capital shall be transferable by endorsement to be made on the certificates thereof respectively, under the hand of the Proprietor or his Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, and consolidated stock shall be transferable by a deed of transfer executed by the Proprietor or his duly authorized Attorney, and in the form set forth in Schedule A hereto annexed. Provided always that no endorsement of a share, certificate, or deed of transfer of stock shall be effectual to transfer any interest in the share or stock until such endorsement or deed of transfer shall have been registered at the Bank of Bengal, and such registration shall have been noted on such endorsement or deed of transfer under the hand of an Officer appointed for that purpose by the Directors of the said Bank. Provided also that every transfer of shares or stock by endorsement or deed of transfer as aforesaid shall be liable to Stamp Duty as a transfer of shares under Clause 19 of the Schedule A to Act XXXVI of 1860, or any future Act imposing a Stamp Duty on transfer of shares.

Corporation to consist of registered proprietors only.

XII. The registered Proprietors for the time being of the shares and stock into which the capital of the said Bank shall be divided, and no other persons, shall be members of the body corporate hereby continued, and the Bank shall not be bound or affected by notice of any trust to which any share or stock may be subject in the hands of the registered Proprietor thereof; and when any share or stock is vested in more than one registered Proprietor, such Proprietors shall as between themselves and the Bank, be considered as joint tenants with benefit of survivorship. The shares and stock registered in the name of the Governor-General in Council shall be deemed to belong to the Secretary of State for India in Council.

Directors.

XIII. The business of the said Bank shall be managed by nine Directors, of whom (so long as the Government of India shall hold shares or stock in the said Bank, or so long as any such arrangement or agreement with the Government as in Section XXIX of this Act mentioned, which has been already entered into or shall hereafter be entered into, shall remain in force,) three shall be appointed and removeable by the

the Governor-General of India in Council, and the remaining Directors, and in case the Government shall cease to hold shares or stock in the said Bank and no such arrangement or agreement as aforesaid shall remain in force, all the Directors shall be elected and be removeable by vote of a general meeting of the Proprietors.

Present Directors to be continued.

XIV. The persons who at the time of this Act coming into operation shall be Directors of the said Bank, shall continue to be Directors of the said Bank, subject to removal as aforesaid and to the provisions hereinafter contained.

Two of the elective Directors to go out by rotation annually.

XV. Two of the six Directors elected and to be elected by the said Proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day a general meeting of Proprietors shall be held for the election of two Directors in their stead. Provided always that any Directors going out by rotation as aforesaid shall not be re-eligible at the election which takes place thereupon. Provided also that the rotation existing at the time of this Act coming into operation shall continue to be observed.

Disqualifications to serve as an elective Director.

XVI. *Clause* 1.—No person shall be eligible or qualified to serve as a Director by election of the Proprietors, who shall not be a Proprietor, in his own right and unincumbered, of shares or stock to the amount of twelve thousand Rupees at the least of the capital of the said Bank, or who shall be a Director or Agent or Manager of any other Bank or Branch Bank within the Town or Suburbs of Calcutta, or who shall be a partner of or managing agent for or shall hold a power of procuration from any such Director, Agent, or Manager.

No two partners, &c., of the same firm to serve as Directors at the same time.

Clause 2.—No two persons who shall be partners of the same mercantile firm, or one of whom shall be the general agent of, or shall hold a power of procuration from, a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as Directors at the same time.

Vacancies among the elective Directors how to be filled up.

XVII. In case of the death, resignation, or absence from Calcutta for more than three calendar months, or disqualification under the preceding Section, or removal as aforesaid of any Director elected or to be elected by the said Proprietors, the other Directors shall, within fifteen days after such death, removal, or resignation,

nation, call a special general meeting of the Proprietors for the purpose of choosing a successor to the Director so dead, resigned, absent, disqualified, or removed, and such successor shall come into the same place in the rotation abovementioned, in which the deceased, removed, absent, or disqualified Director was.

At general meetings all matters to be decided by a majority of votes.

XVIII. At general meetings of the Proprietors, whether ordinary or special, every election and other matter submitted to the meeting shall be decided by a majority of votes, and no person shall be allowed to vote at any such meeting in respect of any share or stock acquired by transfer, unless such transfer shall have been completed and registered six months at the least before the time of such meeting.

Scale of votes.

XIX. At all such general meetings, the Proprietors shall vote according to the following scale :—

4	Shares of Rupees 1000 each or consolidated Stock amounting to						
	4000 shall entitle to						1 Vote.
20	Shares or consolidated	stock	ditto	ditto	Rs.	20,000	2 Votes.
40	„	ditto	ditto		„	40,000	3 „
60	„	ditto	ditto		„	60,000	4 „
80	„	ditto	ditto		„	80,000	5 „
120	„	ditto	ditto		„	120,000	6 „
160	„	ditto	ditto		„	160,000	7 „

and no Proprietor shall be entitled to more than seven votes. Provided also that when any share or stock shall be held by joint registered Proprietors, the Proprietor whose name shall appear first in the Register as one of the holders of such share or stock, shall alone be entitled to vote in respect thereof and to receive notices as if he were sole Proprietor thereof.

Government proxy.

XX. It shall be lawful for the Governor-General of India in Council (so long as the Government shall hold shares or stock in the said Bank) to give a proxy in writing signed by one of the Secretaries to Government, to any person whom the Governor-General in Council may appoint to attend any general meeting of the Proprietors, and the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting excepting upon the election or removal of such Directors as are elected by the said Proprietors.

XXI.

Proxies of Proprietors.

XXI. Any Proprietor entitled to vote at any general meeting may give a proxy in writing either general or special, under his hand or the hand of his Attorney duly authorized, to any other Proprietor, and such proxy shall be produced at the time of voting and shall entitle the person, to whom it is given, to vote on such matters as shall be authorized by the tenor of such proxy. Proxies existing and in force at the time of this Act coming into operation shall continue in force, any thing herein contained notwithstanding.

Directors to choose a President who is to have a casting vote.

XXII. At the first meeting of the Directors in every year, they shall choose a President from among themselves, and whenever the office of President shall become vacant, they shall at their next meeting choose a successor for the remainder of the current year, and during any vacancy or in the absence of the President, the senior Director in rotation shall be Vice President for the time, and such President or Vice President shall have the casting vote in all cases of an equal division of votes at meetings either of Directors or Proprietors.

Accounts, receipts, and documents of the Bank, by whom to be signed.

XXIII. The persons for the time being holding the office of Secretary and Treasurer or of Secretary alone, or of Deputy Secretary of the said Bank, are hereby severally empowered for and on behalf of the Bank to endorse and transfer Government securities, Railway shares, certificates and Bonded Warehouse warrants, and other documents of title in goods standing in the name of the Bank, and to draw, accept, and endorse Bills of Exchange, Bank Post Bills, and letters of credit, in the current and authorized business of the Bank, and to sign all other accounts, receipts, and documents, connected with such business.

Seal to be used only in presence of three Directors who shall sign in token of their presence.

XXIV. The seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and unless so signed by three Directors such instrument shall be of no validity.

Appointment, removal, and remuneration of Officers, &c.

XXV. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as may be necessary to conduct the business of the said Bank, and to remove any officer, clerk, or servant of the said Bank and to fix the salaries of such officers, clerks, and servants.

XXVI.

Prohibits certain Officers from engaging in other commercial business as principal, agent, or broker, and requires them to give security.

XXVI. No person who shall hold the office of Secretary and Treasurer, Deputy Secretary, Head Accountant, or Khazanchee of the said Bank, shall directly or indirectly engage in any other commercial business, either on his own account individually or jointly with others, or as agent for any other persons, or act as a broker; and every person appointed to any one or more of the said offices shall give such security to the Directors for the faithful discharge of his duty as they shall think sufficient. Provided that the security to be given by any Secretary or Treasurer shall be for not less than fifty thousand Rupees.

Business of the Bank specified.

XXVII. The business of the said Bank of Bengal shall consist in lending on Government Securities and shares in Railways the interest whereon shall have been guaranteed by Government, and on goods, wares, and merchandize not of a perishable kind, in drawing, discounting, buying, and selling Bills of Exchange, and other negotiable securities payable in Her Majesty's Indian Territories and not elsewhere; in granting Post Bills payable in Her Majesty's Indian Territories to order or otherwise than to bearer on demand; in buying and selling gold and silver bullion, in making investments in securities of the Government of India or in loans or Bonds secured by the Imperial Parliament on the revenues of India or in debentures of Railways guaranteed by the Government of India; in receiving deposits; in opening cash accounts and Credits; in transacting pecuniary Agency business on commission; and in selling property or securities deposited in the Bank as security for loans and not redeemed, or property or securities recovered by the Bank in satisfaction of debts and claims.

Bank may draw Bills of Exchange &c. for the use of their constituents in the Agency Department.

XXVIII. In addition to drawing, buying, and selling Bills of Exchange and granting Post Bills payable in India, it shall be lawful for the Bank to draw Bills of Exchange and grant letters of credit payable out of India for the use of their Constituents in the Agency Department, and to buy Bills of Exchange payable out of India for the purpose of remitting funds to meet such Bills or Letters of Credit.

Bank may transact the business carried on at the General Treasury, and undertake the management of the Government Paper Currency.

XXIX. It shall also be lawful for the said Bank through their Directors, under any arrangement or agreement with the Governor-General of India in Council on behalf of the Secretary of State for India in Council, to take over and transact any part of the business of or hitherto carried on at the General Treasury (or in the Department of the Accountant General at Fort William),

William), and to superintend, manage, and become agents for the issue, payment, and exchange of Government Currency Notes under Act XIX of 1861 (*to provide for a Government Paper Currency*) or any Act which may hereafter be passed in relation to the Paper Currency of the Government of India, and to pay the amount of such Government Currency Notes in silver to the holders thereof on presentation and demand, and the Directors of the said Bank shall have power from time to time to arrange and settle with the Governor-General in Council as to the terms of remuneration on which such business in relation to the General Treasury, Accountant General's Department, and Government Paper Currency shall be undertaken by the Bank, and also as to the examination and audit from time to time of the accounts and affairs of the Bank on behalf of the Governor-General of India in Council.

Directors not to make loans on shares, &c.

XXX. The Directors of the said Bank shall not make any loan or advance on shares or consolidated stock of the said Bank, nor on mortgage, or in any other manner on the security of any lands, houses, or immoveable property or the title-deeds relating thereto.

Books to be balanced half-yearly.

XXXI. The Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st day of December in every year, or at such other periods as shall from time to time be determined by the Directors, and a settlement of the balance at every such period signed by a majority of the Directors shall be forthwith transmitted to one of the Secretaries to the Government of India, and the Governor-General of India in Council (so long as the Government shall hold shares or stock in the said Bank, or so long as any such arrangement with the Government as aforesaid, which has already been or shall hereafter be entered into shall remain in force,) shall at all times be entitled to require of the said Directors any information touching the affairs of the Bank and the production of any documents of the said Bank, and the said Directors shall comply with every such requisition.

Dividends to be determined half-yearly.

XXXII. An account of the profits of the said Bank shall be taken half-yearly on the 1st day of January and the 1st day of July in every year, or at such other periods as may from time to time be determined on by the Directors, and a dividend thereof shall be made as soon thereafter as conveniently may be, and the amount of such dividend shall be determined by the Directors of the said Bank, on the basis of the actual profits

profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken, provided that the said Directors shall in their discretion have power to set apart such portion of the said profits as they may deem expedient to be added to the reserve fund against contingencies.

General meeting of Proprietors.

XXXIII. On the 1st Monday of the month of August in every year, a general meeting of the Proprietors of the capital of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a statement of affairs of the said Bank made up to the preceding 30th of June or to such other day as may be determined on by the Directors.

Election of Auditors.

XXXIV. At the first general meeting of the Proprietors of the Bank held after the coming of this Act into operation, one or more Auditors for the current year may be elected by a majority of votes at such meeting, and in like manner an Auditor may be elected at the first general meeting of the Proprietors in each current year.

Convening of special general meeting.

XXXV. Any three of the Directors or any ten Proprietors of the said Bank may at any time convene a special general meeting of the Proprietors upon giving 15 days' previous notice of such meeting, and of the purpose for which the same shall be convened as well to the Directors of the said Bank for the time being, as also by public advertisement in the *Calcutta Gazette*.

Establishment of Branch Banks.

XXXVI. It shall be lawful for the Directors of the said Bank, with the sanction of the Governor-General of India in Council, from time to time to form business agencies and to establish Branch Banks at such places as they may deem advantageous to the interests of the Bank, with full power to the said Directors to appoint during pleasure such agents, clerks, and servants and either with or without local Boards of Directors or management and under such regulations, restrictions, and conditions as to them may seem fit, and from time to time to vary such regulations, restrictions, and conditions, and the said Agents and other Officers shall give such security for their good behaviour as the Directors may require; and it shall also be lawful for the Directors from time to time, under any arrangements or agreements with the Governor-General in Council on behalf of the Secretary of State in Council, to provide for the conduct and transaction by

by any such Branch Bank or Banks of any part of the business of or hitherto conducted at the local Government Treasuries and for the superintendence, management, and agency of the local issue, payment, and exchange of any Government Currency Notes, provided that such arrangements and all regulations and directions given by the said Directors to the Agents or Managers of such Branch Banks, touching the management thereof or the description of business to be undertaken thereby, shall not contain anything inconsistent with or contrary to the provisions of this Act, or of any Bye-laws, Regulations, or orders which may be in force for the time being under the 40th Section of this Act.

Bank may take over capital and business of any other Bank, and for that purpose increase its own capital.

XXXVII. It shall be lawful for the Directors of the said Bank, from time to time, to enter into negotiations for and to purchase and take over the capital, assets, and business of any other Bank within Her Majesty's Indian Territories, of which the capital is divided into shares, and to grant and allot to the Shareholders or Proprietors in such Bank in full of their respective right, title, and interest in such capital, assets, and business a sufficient number of shares in the capital stock of the said Bank of Bengal (which number shall be determined by the Directors), and for that purpose to increase the capital stock of the said Bank by the issue of such number of shares as may be so determined on. The Shareholders or Proprietors of the purchased Bank to whom such new shares shall be allotted, shall be proprietors of the Bank of Bengal, and be in all respects in the same position as if they had respectively subscribed and paid for the shares so allowed to them. Provided always that the business so purchased shall after the purchase be carried on by the said Bank of Bengal with, and subject to, the several restrictions contained in this Act.

If any Proprietor becomes indebted to the Bank.

XXXVIII. If any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares or consolidated stock of such Proprietor registered as his own property, and not as held in trust or as executor or administrator, until payment of such debt, and to apply such dividends towards payment thereof, and after demand and default of payment, and notice in that behalf given either to such Proprietor, or his constituted agent or by public advertisement in the *Calcutta Gazette*, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares or stock of such Proprietor, until payment of such debt, and if the same shall remain unpaid for the space of six calendar months after such notice, to advertise for public sale and to sell such share

share or shares or stock or so many or so much as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor or to his lawful representative.

Recognition of legal representatives of deceased Proprietors.

XXXIX. Where by the death of any proprietor his share or shares or stock shall devolve on his legal representative, the Bank shall not be bound to recognize any legal representatives of such deceased Proprietor other than a person who has taken out Probate to the Will or Letters of Administration to the estate of such deceased Proprietor from the Supreme Court of Judicature at Fort William, or who has obtained a certificate in respect of the estate of such deceased Proprietor under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), describing such shares or stock, from a Court of competent jurisdiction within the Presidency of Fort William.

Power of Director to make, alter, and rescind Bye-laws, &c.

XL. It shall be lawful for the Directors for the time being of the said Bank to make and pass Bye-laws, Regulations, and orders for the good government, and in reference to the mode of conducting the business of the Bank, and such Regulations and orders from time to time to modify, rescind, and vary, and it shall further be lawful for the Proprietors of the said Bank at any general meeting, whether ordinary or special, to pass resolutions and frame and from time to time rescind and vary Bye-laws and Rules for the direction of the affairs of the Bank, and the same shall be binding on the Directors and Officers and on the Proprietors of the Bank, until rescinded or varied at any subsequent general meeting, provided always that no Bye-law, regulation, or order, or alteration or rescission of any Bye-law, Regulation, or order, whether passed by the Directors or by the Proprietors at a general meeting, shall be of any validity except in so far as the same shall be consistent with the provisions of this Act, and shall be approved by the Governor-General of India in Council, such approval to be signified in writing under the hand of one of the Secretaries to the Government of India.

Construction.

XLI. In the construction of this Act, words in the singular number shall include the plural, words in the plural shall include the singular, and words in the masculine gender shall include the feminine, except where the contrary appears by the context.

Commencement of Act.

XLII. This Act shall come into operation on the 1st day of March 1862.

Printed at the Bengal Military Orphan Press.

ACT No. V of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 28th February 1862.)

An Act to provide for the payment at the Banks of Bengal, Madras, and Bombay, respectively, of moneys payable at the General Treasuries of Calcutta, Madras, and Bombay.

Preamble.

WHEREAS, under the provisions of Act XXIV of 1861 (*to enable the Banks of Bengal, Madras, and Bombay to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries*), the Bank of Bengal has entered into an agreement with the Secretary of State for India in Council through the Governor-General of India in Council that so much of the business hitherto generally transacted at the General Treasury of the Government at the Presidency of Fort William, as consists in receiving and paying money on behalf of the Supreme Government and the Government of Bengal, shall be carried on and transacted by the said Bank, subject to the provisions of the said agreement, and to such orders and directions with regard to receipts and payments as may from time to time be given to the said Bank by the Governor-General in Council, or any of the Officers of the Government of India authorized in that behalf.

And whereas the Governor-General in Council has given notice in the *Calcutta Gazette* that the Treasury of the Secretary of State for India in Council and of Her Majesty's Indian Government at Calcutta shall, from and after the 1st day of March 1862, be established at the Bank of Bengal.

And whereas the Bank of Madras and the Bank of Bombay are in treaty with the Governor in Council of Madras and the Governor in Council of Bombay respectively, for the purpose of entering into similar agreements, and it is probable that such agreements will be shortly executed, and that similar notice to that hereinbefore mentioned will be given by the Governors in Council of Madras and Bombay in regard to the Banks of Madras and Bombay.

And

And whereas divers promissory notes and negotiable securities and other obligations for the payment of money made by or on behalf of the Secretary of State for India in Council or by the Governor-General of India in Council, the Governor of Madras in Council, and the Governor of Bombay in Council respectively, on behalf of the East India Company and of the Secretary of State for India in Council, are made payable at the General Treasury of Fort William in Bengal, the General Treasury at Madras, and the General Treasury at Bombay respectively.

And whereas divers other securities and other obligations are made payable to the Secretary of State for India in Council or to the said Governor-General in Council, or to the Governors in Council of Madras or of Bombay at the said General Treasuries of Fort William in Bengal, Fort St. George, and Bombay respectively;

It is therefore enacted as follows:

On and after 1st March 1862, all sums payable by or to Government to be payable at the Bank of Bengal instead of at the General Treasury at Calcutta.

I. On and after the 1st day of March 1862, and until the expiration of fourteen days after notice shall be given in the *Calcutta Gazette* by the Governor-General of India in Council that the Treasury of the Government will be no longer held at the Bank of Bengal, all sums payable by or to the Secretary of State for India in Council, or by or to the Governor-General of India in Council or the Government of Bengal on behalf of the Secretary of State for India in Council, at the General Treasury of Fort William in Bengal, shall be payable by or to the Secretary of State in Council or by or to the Governor-General of India in Council or the Government of Bengal respectively on behalf of the Secretary of State in Council, at the Bank of Bengal instead of at the General Treasury at Calcutta.

Presentment of promissory notes, &c., at the Bank of Bengal.

II. Whenever presentment of any promissory note, security, or obligation for payment or for any other purpose at the General Treasury of Fort William in Bengal would, before the said 1st day of March 1862, have been necessary or sufficient, presentment for such purpose at the Bank of Bengal shall be necessary or sufficient, as the case may be, on and after the said 1st day of March 1862, and until the expiration of fourteen days after such notice as in the 1st Section mentioned shall have been given.

III.

Payment at the Banks of Madras and Bombay of sums payable by or to Government at the General Treasuries at Madras and Bombay.

III. If the Governors in Council of Madras and of Bombay respectively shall give notice in the *Government Gazettes* of their Presidencies respectively, that the Banks of Madras and Bombay respectively have entered into agreements or arrangements with the Secretary of State for India in Council through the said Governors in Council, for the purposes mentioned in the Preamble of this Act, under the provisions of the said Act XXIV of 1861, and that from and after a date to be specified in such notice, the Treasury of the Secretary of State for India in Council, and of Her Majesty's Indian Government at Madras and Bombay respectively, shall be established at the Banks of Madras and Bombay respectively, all sums payable by or to the Secretary of State for India in Council, or by or to the Governor of Madras in Council or the Governor of Bombay in Council on behalf of the Secretary of State for India in Council, at the General Treasury at Madras, or at the General Treasury at Bombay respectively, shall from and after the date specified in such notice, and until the expiration of fourteen days after notice shall have been given by the said Governors in Council respectively that the Treasury of the Government will be no longer held at those Banks respectively, be payable by or to the Secretary of State in Council, or by or to the Governor of Madras in Council, or by or to the Governor of Bombay in Council, on behalf of the Secretary of State in Council, at the Bank of Madras or the Bank of Bombay respectively, instead of at the General Treasury at Madras or the General Treasury at Bombay.

Presentment of promissory notes, &c., at the Banks of Madras and Bombay.

IV. In such case, whenever presentment of any promissory note, security, or obligation for payment or for any other purpose, at the General Treasuries at Madras or Bombay respectively, would have been necessary or sufficient, if such notice had not been given and this Act had not been passed, presentment for such purpose, at the Banks of Madras and Bombay respectively, shall be necessary or sufficient, as the case may be, on and after the date specified in such notice by the Governors in Council of Madras and Bombay respectively, and until the expiration of fourteen days after such notice as aforesaid that the said Treasury will be no longer held at those Banks respectively shall have been given.

Proviso as to presentment at the several Banks.

V. Nothing in this Act shall render necessary the presentment at the Banks of Bengal, Madras, and Bombay respectively of any security or other obligation which it would not have been necessary to present at the General Treasuries of Bengal, Madras, and Bombay respectively, if this Act had not been passed.

PRICE 9 PIES.

Printed at the Bengal Military Orphan Press.

ACT No. VI of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 12th March 1862.)

An Act to annex a Schedule to Act IV of 1862 (for regulating the Bank of Bengal).

Preamble

WHEREAS the Schedule referred to in Section XI of Act IV of 1862 *(for regulating theBank of Bengal)* as Schedule A thereto annexed, has not been annexed thereto : and it is expedient to annex such Schedule to the said Act ; It is enacted as follows :—

Schedule A of Act IV of 1862.

The Schedule hereto annexed, and marked A, shall be deemed and taken to be the Schedule referred to in Section XI of the said Act IV of 1862 as Schedule A thereto annexed, and to be annexed to and to form part of the said Act.

SCHEDULE A.

I A. B. of do hereby transfer to C. D. of consolidated stock of the Bank of Bengal to the amount of Rupees standing in my name, to hold unto the said C. D. his executors, administrators, representatives, or assigns, subject to the conditions on which I hold the same at the time of the execution hereof.

Dated the day of

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Printed at the Bengal Military Orphan Press.

ACT No. VII of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 12th March 1862.)

An Act to amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Laborers to the French Colonies.)

Preamble.

WHEREAS since the passing of Act XLVI of 1860 *(to authorize and regulate the Emigration of Native Laborers to the French Colonies)* the Convention therein recited between Her Majesty the Queen of Great Britain and Ireland and His Majesty the Emperor of the French has been varied in the following particulars : that is to say, by substituting for Article XXVI in the said Convention as so recited in the said Act, the following Article :

"ARTICLE XXVI.

The present Convention shall begin to take effect on the 1st of July 1862; its duration is fixed at three years and a half. It shall remain in full force if notice for its termination be not given in the course of the month of July of the third year, and then notice can be given only in the course of the month of July of each succeeding year.

In case of such notice being given it shall cease eighteen months afterwards.

Nevertheless the Governor-General of British India in Council shall, in conformity with the Act of the 19th of September 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the Emigrants immediately upon their arrival or during their residence

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residence therein or for their safe return to India, or to provide a return passage to India for any such Emigrants at or about the time at which they are entitled to such return passage.

In case, however, the power thus reserved to the Governor-General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favor of the said Indian subjects until they shall either have been sent back to their own country, or have renounced their right to a return passage to India."

And also by the addition of the two following Articles which were not comprised in the Convention or recited in the said Act, that is to say—

" ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Re-union, that Colony has, since last year, had to obtain laborers from India and China; and Her Britannic Majesty having, by Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Re-union to recruit six thousand laborers in Her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith with regard to the said Colony of Re-union.

The present Additional Article shall have the same force and validity as if it were inserted word for word in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention."

And

And whereas the said Convention, with such alterations and additions as aforesaid, together with such additional Article, has been duly signed, ratified, and confirmed:

It is declared and enacted as follows:—

Act XLVI of 1860 to be applicable to the Convention as signed and ratified.

All the provisions of Act XLVI of 1860 *(to authorize and regulate the Emigration of Native Laborers to the French Colonies)* shall be and remain in full force notwithstanding that the Convention therein recited had been so altered and added to before the same was signed or ratified as aforesaid: and all such provisions, in so far as the same relate to the Convention recited in the said Act, shall be deemed to apply and shall apply to the said Convention as signed and ratified as aforesaid together with the additional Article thereof.

Printed at the Bengal Military Orphan Press

ACT No. VIII OF 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 27th March* 1862.)

An Act to protect the personal dignity of His Majesty the King of Oude.

Preamble.

WHEREAS it is expedient, with a view to protect the personal dignity of the King of Oude, in accordance with the promise made to His Majesty on the part of the British Government, that His said Majesty should be partially exempted from the jurisdiction of the Civil, Revenue, and Criminal Courts; It is enacted as follows:—

King of Oude exempted from jurisdiction of Criminal Courts except for capital offences.

I. His Majesty the King of Oude is hereby declared to be, and is, exempt from the jurisdiction of the Criminal Courts, except in regard to offences punishable with death under the Indian Penal Code. Except for such offences, no Criminal Court or Magistrate shall enquire into any complaint, or issue any process, against His said Majesty.

Police not to arrest the King without warrant, nor to enter the dwelling-house of the King except in the presence and with the sanction of the Agent.

II. No Police Officer or other person shall arrest His said Majesty without warrant, and no Police Officer or other person, whether charged with the execution of a warrant or not, shall, for the purpose of arresting any person or searching for anything, enter into or remain in any house in which His Majesty may at the time be residing, except in the presence and with the sanction of the Officer appointed to be Agent with His Majesty on the part of the British Government.

Issue of Commission for the trial of other than capital offences.

III. If any complaint be made or information preferred against His said Majesty for any offence other than the offences excepted in Section I of this Act, the Officer appointed to be Agent with His said Majesty may enquire into the case and make a report thereon to the Governor-General in Council, and the Governor-

Governor-General in Council, on receipt of any such report, may issue a Commission for the trial of such offence, and may vest the said Commission with any of the powers vested in any Court by the Code of Criminal Procedure. Provided that, in case of conviction, the said Commission shall not pass sentence, but shall report its judgment to the Governor-General in Council, who shall thereupon give such directions in respect to the custody of the person of His said Majesty or the disposal of His property, as the exigency of the case may seem to require.

No writ or process to be issued against the person or property of the King without the consent of the Governor-General in Council.

IV. No writ or process shall at any time be sued forth or prosecuted out of any Civil, Revenue, or Criminal Court against the person, goods, or property of His said Majesty, unless such writ or process shall be so sued forth or prosecuted with the consent of the Governor-General in Council first had and obtained, such consent to be testified by the signature of a Secretary to the Government of India, and any writ or process which shall at any time be sued forth or prosecuted against the person, or goods, or property of His said Majesty, without such consent as aforesaid, shall be utterly null and void.

The king exempted from appearance in Court as a witness.

V. His said Majesty shall not be required to appear personally as a witness in any Court, or before any Commissioner appointed by any Court to be examined or make affidavit when his evidence or affidavit is required in any Civil, Revenue, or Criminal suit or proceeding.

Mode of taking the King's evidence.

VI. When the evidence of His Majesty is required in any such suit or proceeding, the Court or the party requiring the same shall cause to be prepared interrogatories in writing for the examination of His said Majesty. If the case is one in which any other party in such suit or proceeding would, by law, have a right to cross-examine, such party shall be at liberty to prepare cross-interrogatories. The interrogatories and cross-interrogatories (if any) shall be transmitted to the Officer appointed to be Agent with His said Majesty, who shall exhibit the same to His said Majesty and take down in writing His Majesty's answers thereto given on solemn affirmation. The interrogatories and cross-interrogatories (if any), with the answers thereto, shall be returned to the Court before whom the suit or proceeding is pending, together with a certificate from the said Officer appointed to be Agent of the answers of His said Majesty having been duly taken.

VII.

Mode of taking the King's affidavit.

VII. When any affidavit is required to be sworn by His said Majesty in any suit or proceeding, such affidavit shall be taken and sworn before the said Officer appointed to be Agent, who shall return such affidavit with a certificate of its having been duly sworn to the Court or Officer before whom the same is to be used.

Examinations to be taken in private.

VIII. Except with the consent of His said Majesty, no person other than the said Officer appointed to be Agent shall be entitled to be present when His said Majesty is being examined on interrogatories or sworn to any affidavit under the provisions of this Act.

Examination, &c., taken under the Act, admissible in evidence.

IX. The answers to interrogatories or affidavit of His said Majesty taken and sworn under the provisions of this Act shall be admissible in evidence, and subject to the same objections as if such answers or affidavit had been taken or sworn in open Court or under a Commission.

Duration of Act.

X. This Act shall not continue in force after the death of His said Majesty.

PRICE 9 PIES.

Printed at the Military Orphan Press

ACT No. IX OF 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 27th March* 1862.)

An Act for constituting the Secretaries and other Officers of the Banks of Bengal, Madras, and Bombay, respectively, Ex-Officio Assessors of certain of the Duties payable under Act XXXII of 1860, *(for imposing Duties on profits arising from Property, Professions, Trades, and Offices.)*

Preamble.

WHEREAS the Treasuries of the Secretary of State for India in Council and of Her Majesty's Indian Governments at Calcutta, Madras, and Bombay respectively have been established under orders from the Governor-General of India in Council, the Governor of Madras in Council, and the Governor of Bombay in Council respectively, duly notified in the *Government Gazettes* at those places, at the Bank of Bengal, the Bank of Madras, and the Bank of Bombay respectively.

And whereas the interest on divers securities of the Government of India and Annuities payable out of the revenues of India, and divers other yearly sums mentioned in Section XXVI of Act XXXII of 1860 (*for imposing Duties on Profits arising from Property, Professions, Trades, and Offices*) payable by the said Government or out of the Public revenues of the said Government are, by virtue of the said orders, payable at the said Banks respectively.

And whereas it is expedient that the Secretaries and Treasurers, Deputy Secretaries, and Accountants of the Banks of Bengal, Madras, and Bombay respectively should be constituted Ex-Officio Assessors for executing the said Act XXXII of 1860 for the purpose of assessing and discharging the duties thereby imposed in respect of the interest and yearly sums so payable at the said Banks as aforesaid in the place of the Sub-Treasurers.

It is therefore enacted as follows :—

Certain Officers of the said Banks constituted Ex-Officio Assessors under Act XXXII of 1860.

I. The persons for the time being holding the office of Secretary and Treasurer, or of Secretary alone, or of Treasurer alone, or of Deputy Secretary, or of Accountant of the Bank of Bengal, of the Bank of Madras, and of the Bank of Bombay

bay respectively, shall, so long as the Government Treasuries at Calcutta, Madras, and Bombay respectively shall continue to be held and established at those Banks respectively, be severally Ex-Officio Assessors for executing Act XXXII of 1860 for the purpose of assessing and discharging the Duties thereby imposed in respect of interest on securities of the Government of India and of all annuities payable out of the revenues of India, and in respect of all other yearly sums (other than the salaries or pensions mentioned in Sections XXVII, XXVIII, XXIX, XXX, and XXXI of the said Act) payable by the said Government or out of the public revenues of the said Government at the Government Treasuries of Bengal, Madras, and Bombay respectively, and shall severally have and exercise in regard to the said Duties all the powers and authorities vested by the said Act in the Ex-Officio Assessors named in Section XXVI thereof.

Sub-Treasurers to cease to be Ex-Officio Assessors whilst Government Treasuries are held at the said Banks.

II. So long as the Government Treasuries at Calcutta, Madras, and Bombay shall continue to be established and held at the Banks of Bengal, Madras, and Bombay respectively, the Sub-Treasurers of the said Presidencies of Bengal, Madras, and Bombay respectively shall cease to be Ex-Officio Assessors for executing the said Act for the purpose of assessing and discharging the Duties upon the interest and yearly sums mentioned in Section I of this Act, and in respect of which the Secretaries, Treasurers, Deputy Secretaries, and Accountants of the said Banks are hereby constituted Ex-Officio Assessors.

Commencement and construction of Act.

III. This Act shall take effect from the 1st day of March 1862, inclusively of that day, and shall be read and taken as part of the said Act XXXII of 1860.

ACT No. X of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 17th April 1862.)

An Act to consolidate and amend the Law relating to Stamp Duties.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Stamp Duties; It is enacted as follows:—

Repeal of Laws.

I. From the time when this Act shall come into force, Regulation XII. 1830 of the Bombay Code *(for modifying the rule provided in Clause first, Section III Regulation IV.* 1827 *for valuing lands in Civil actions)*, Act XXXVI of 1860 *(to consolidate and amend the law relating to Stamp Duties)*, Act XL of 1860 *(to amend Act XXXVI of* 1860), and Act LI of 1860 *(further to amend Act XXXVI of* 1860) are repealed, except in so far as they rescind other Acts or Regulations or parts of other Acts or Regulations, and except as regards Deeds, Instruments, or Writings which shall have been made or executed, and all proceedings or matters which shall have taken place before this Act shall come into force. In respect of any such Deed, Instrument, or Writing, the provisions of the Acts and Regulations which were in force at the time such Deed, Instrument, or Writing shall have been made or executed, or such proceeding or matter shall have taken place, shall be applicable in the same manner as if this Act had not been passed.

Stamp Duty payable under Schedule A.

II. For every Deed, Instrument, or Writing which shall be executed from the time when this Act shall come into force, and which shall be of any of the kinds specified as requiring Stamps by the Schedule A annexed to this Act, there shall be payable to Government a Stamp

a Stamp Duty of the amount indicated in the said Schedule to be proper for such Deed, Instrument, or Writing.

Penalty for drawing &c unstamped or insufficiently stamped Bill of Exchange, &c.

III. If any person shall draw, or, except as provided in Section XXIV of this Act, shall accept, endorse, negotiate, pay, or receive payment of any Bill of Exchange, Promissory Note, Draft, Cheque, or other similar Instrument, or if any person shall make, execute, sign, or be a party to any Deed, Instrument, or other Writing, engrossed on unstamped or insufficiently Stamped paper or other material, which should bear a Stamp of the value set forth in Schedule A annexed to this Act, every such person so offending, shall (unless in any case in which a higher penalty is imposed by this Act) forfeit a sum not exceeding one hundred Rupees, or a sum equal to ten times the value of the Stamp omitted to be used, if the sum so calculated exceed one hundred Rupees.

Governor-General in Council to prescribe the form &c. of Stamps to be used.

IV. The Governor-General of India in Council shall prescribe the form, size, and material of the Stamps to be used, and the mode and place of impressing, affixing, or denoting thereupon the value of the same under the provisions of this Act, and may from time to time alter and vary the orders which he may so issue. The orders made by the Governor-General of India in Council under this Section shall be published in the Official Gazettes of the several Presidencies and places in which such orders are to be in force.

Receipt Stamps how to be denoted.

V. The Duty imposed by this Act on Receipts and Drafts or Orders for the payment of money on demand and bearing the date on which the Draft or Order is made, may be denoted by an adhesive Stamp affixed to the paper upon which such Instrument is written.

Adhesive Stamps may be used for transfers of shares of Banking Corporations, &c.

VI. The Duty chargeable on the transfer of a share of any Banking Corporation or Joint Stock Company, which by any law applicable to such Corporation or Company can be effected by simple endorsement, may be denoted by an adhesive Stamp affixed thereto.

Governor-General in Council may authorize the use of adhesive Stamps for other Deeds, &c.

VII. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Official Gazette, to authorize the use in the whole or in any part of the British Territories in India to be mentioned in such order, of adhesive Stamps for any Deeds, Instruments, or Writings required to bear a Stamp, other than the Instruments mentioned in the last two preceding Sections.

VIII. In

VIII. In any case where an adhesive Stamp shall be used as hereinbefore authorized, the person making the Deed, Instrument, or Writing to which such Stamp is affixed, shall, before the Deed, Instrument, or Writing shall be delivered out of his hands, custody, or power, cancel the Stamp so used, by writing thereon his name or the initial letters of his name, or in such other manner as to show that such Stamp has been made use of, and so that the same shall not admit of being used again; and if any person who shall write or give any Receipt or discharge or make or sign any Draft or Order, or any other Deed, Instrument, or Writing with an adhesive Stamp thereon when an adhesive Stamp is allowed to be used, shall not *bonâ fide* in manner aforesaid cancel such Stamp, he shall forfeit a sum not exceeding one hundred Rupees.

Obliteration of adhesive Stamp when used.

IX. The Duty imposed by this Act on Foreign Bills of Exchange shall be paid on account of all Bills drawn within, but payable out of, the British Territories in India, and on account of all Bills drawn out of the British Territories in India, which shall be accepted, endorsed, transferred, paid, or otherwise negotiated within those Territories wheresoever the same may be payable; and the duty so imposed on Bills drawn out of the British Territories in India, may be denoted by adhesive Stamps to be affixed to such Bills as hereinafter directed.

Stamps on Bills of Exchange, &c.

X. Every Bill of Exchange which shall purport to be drawn at any place out of the British Territories in India shall, for all the purposes of this Act, be deemed to be a Foreign Bill of Exchange drawn out of the British Territories in India, and shall be chargeable with Stamp Duty accordingly, notwithstanding that in fact the same shall have been drawn within those Territories.

Bills purporting to be drawn abroad deemed for the purposes of this Act to be so drawn.

XI The holder of any Bill of Exchange drawn out of the British Territories in India, and not having a proper Stamp affixed thereon as herein directed, whether the same be a single Bill or one of a set of two or more Bills, shall, before he shall present the same for acceptance or for payment, or endorse, transfer, or in any manner negotiate such Bill, affix thereto a proper adhesive Stamp for denoting the Duty by this Act charged on the amount of such Bill when drawn singly, and the person who shall present such Bill for acceptance or payment, or who shall endorse, transfer, or in any manner negotiate such Bill, shall, before he shall deliver the same out of his hands, custody,

The holder of a Bill drawn out of the British Territory to affix an adhesive Stamp thereon before negotiating it.

or

or power, cancel the Stamp so affixed by writing across the Bill as his endorsement his name or the name of his firm and the date of the day and year on which he shall so write the same, or by affixing thereon or across the same the seal or mark which he is in the habit of using, or in such manner as to show that the Stamp has been made use of, and so that the same shall not admit of being used again; and if any person shall present for acceptance or for payment, or shall accept, pay, or endorse, transfer, or in any manner negotiate any such Bill as aforesaid, whereon there shall not be such adhesive Stamp as aforesaid, duly affixed, or if any person, who ought as directed by this Act to cancel such Stamp in manner aforesaid, shall refuse or neglect so to do, every such person so offending in any such case shall be liable to the penalty prescribed in Section III of this Act; and no person who shall take or receive from any other person any such Bill as aforesaid either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose whatever, unless at the time when he shall so take or receive such Bill, there shall be such Stamp as aforesaid affixed thereto and cancelled in the manner thereby directed.

Penalty for negotiating such Bill without a Stamp affixed or for neglecting to cancel such Stamp.

XII. If any person shall, within the British Territories in India, draw any Bill of Exchange, purporting to be drawn in a set of two or more, and shall not draw at the same time on paper duly stamped as required by this Act the whole number of Bills of which such Bill purports the set to consist, he shall forfeit a sum not exceeding one thousand Rupees.

Penalty for drawing Bills purporting to be drawn in a set of two or more and not drawing the whole number of the set.

XIII. If any person, in order to avoid the payment of the duty prescribed by Schedule A annexed to this Act, shall make or draw any Bill of Exchange bearing a date subsequent to the date on which such Bill is actually made or drawn, or if any person, knowing that such Bill has been so post-dated, shall take or receive such Bill, or shall accept, pay, endorse, transfer, or in any manner negotiate the same, every such person so offending shall forfeit a sum not exceeding five hundred Rupees.

Penalty for drawing &c. post-dated Bills of Exchange.

XIV. Except as otherwise provided by this Act, no Deed, Instrument, or Writing, for which any Duty shall be payable under Section II of this Act, shall be received as creating, transferring, or extinguishing any right or obligation, or as evidence in any Civil proceeding in any Court of Justice, whether established by Royal Charter or otherwise, or shall

Effect of a Writing not duly Stamped.

shall be acted upon in any such Court or by any public Officer, or shall be registered in any public Office or authenticated by any public Officer, unless such Deed, Instrument, or Writing be upon a Stamp, or when an adhesive Stamp shall be allowed to be used, shall bear a Stamp of a value not less than that indicated to be proper for it by the Schedule A annexed to this Act.

Proviso.

Provided that every Deed, Instrument, or Writing liable to Stamp Duty, shall be admitted as evidence in any Criminal proceeding, although it may not have the Stamp required by this Act impressed thereon or affixed thereto.

Deeds inadvertently executed on paper not bearing proper Stamp may be duly stamped on payment of proper Stamp Duty and penalty, if brought to the Collector within six weeks.

XV. *Clause* 1.—If any Deed, Instrument, or Writing requiring to be stamped under Section II of this Act, shall have been executed on paper not bearing the proper Stamp, the Collector of Stamp Revenue of the District, if satisfied that the omission or neglect to execute such Deed, Instrument, or Writing on paper bearing the proper Stamp did not arise from any intention to evade payment of the Stamp Duty prescribed by this Act for such Deed, Instrument, or Writing, or otherwise to defraud the Government, may, on payment of the proper Stamp Duty, or if the Deed, Instrument, or Writing shall be insufficiently stamped, on payment of such sum as with the amount of the Stamp upon such Deed, Instrument, or Writing, shall suffice to complete the prescribed amount and, as a penalty, double the amount required to make up the same, direct that such Deed, Instrument, or Writing be duly stamped ; provided that such Deed, Instrument, or Writing be presented to such Collector for the purpose of having the proper Stamp affixed to or impressed upon it within six weeks from the date of its execution. If the

Remission of penalty.

Collector be satisfied that the omission or neglect to execute such Deed, Instrument, or Writing on paper bearing the proper Stamp arose solely from urgent necessity or unavoidable accident, he may remit the penalty prescribed by this Section.

Penalty if executed on unstamped or insufficiently stamped paper and brought to be stamped after six weeks of execution but within four months of that date.

Clause 2.—If any Deed, Instrument, or Writing requiring to be stamped under Section II of this Act, which shall have been executed on unstamped or insufficiently stamped paper, shall be brought to such Collector for the purpose of being properly stamped after six weeks from the date of its execution, but within four months from that date, such Collector, if satisfied that the omission or neglect to execute such Deed, Instrument,

Instrument, or Writing on paper bearing the proper Stamp, did not arise from any intention to evade the payment of the Stamp Duty prescribed by this Act for such Deed, Instrument, or Writing, or otherwise to defraud the Government, may, on payment of a sum sufficient to make up the proper amount of Stamp Duty, and as a penalty treble the amount required to make up the same, direct that the requisite Stamp be impressed on such Deed, Instrument, or Writing; or if such Deed, Instrument, or Writing shall not be brought to such Collector until after the expiration of four months from the date of its execution, the requisite Stamp may be ordered to be impressed on payment of the sum required to make up the proper amount of Stamp Duty, and as a penalty twenty times the amount required to make up the same.

Penalty if brought after four months.

Clause 3.—It shall be the duty of the Collector of the Stamp Revenue of the District, to determine whether the requisite Stamp shall be impressed on any Deed, Instrument, or Writing falling under the last two preceding Clauses, which shall have been executed on unstamped or insufficiently stamped paper.

Collector to determine whether, on payment of penalty, a Deed, &c., executed on unstamped or insufficiently stamped paper shall be stamped.

Clause 4.—Whenever a doubt shall arise respecting the proper amount of the Stamp to be impressed under this Section on any Deed, Instrument, or Writing, the Collector of Stamp Revenue of the District shall determine the amount of Stamp to be impressed upon such Deed, Instrument, or Writing.

Collector to decide the proper amount of Stamp Duty to be impressed upon any Deed, &c. under this Section.

Clause 5.—In any case falling within this Section in which it shall appear to the Board of Revenue or the Chief Controlling Revenue Authority that a Collector of Stamp Revenue has directed an improper Stamp to be impressed upon any Deed, Instrument, or Writing, such Board or other Authority as aforesaid, may, if the Stamp ordered by the Collector to be impressed upon such Deed, Instrument, or Writing shall not have already been impressed thereupon, order the proper Stamp to be impressed upon such Deed, Instrument, or Writing upon payment of the proper amount of Stamp Duty and the penalty to which the holder of such Deed, Instrument, or Writing is liable under Clause 1 or Clause 2 of this Section.

Board of Revenue &c. may in certain cases order the proper Stamp to be impressed.

Clause 6.—The

Clause 6.—The Board of Revenue or other Chief Controlling Revenue Authority may, upon petition, order any penalty imposed under this Section to be mitigated, and if paid, may order the whole or any part of it to be returned.

Mitigation or return of penalty under this Section.

XVI. The Stamp which shall be impressed under the last preceding Section, shall be taken in any Court of Justice to be the proper Stamp required by this Act for the Deed, Instrument, or Writing on which the same is impressed.

The Stamp impressed under the preceding Section to be taken to be the proper Stamp.

XVII. *Clause* 1.—In any case in which a Stamp might be impressed under Section XV of this Act, a Civil Court may receive in evidence any Deed, Instrument, or Writing not bearing the Stamp prescribed by Schedule A annexed to this Act, on payment into Court of the proper amount of Stamp Duty to be determined by the Court, whose decision on the point shall be final, together with the penalty required by the said Section.

In cases falling under Section XV, Civil Courts may receive in evidence unstamped or insufficiently stamped Deeds, on payment of the proper Stamp Duty and penalty.

Clause 2.—An entry of such payment setting forth the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the back of the Deed, Instrument, or Writing, and shall be signed by the Court. The Court shall, at the end of every month, make a return to the Collector of the Stamp Revenue of the District, of the money (if any) which it has so received, distinguishing between the sums received by way of penalty and the sums received by way of Duty, stating the number and title of the suit, and the name of the party from whom such money was received, and the date, if any, and description of the document, for the purpose of identifying the same; and the Court shall pay over the money so received to such Collector or to such person as he may appoint to receive the same. Such Collector or other proper Authority shall, upon the production of the Deed, Instrument, or Writing, with the endorsement hereinbefore mentioned, cause it to be stamped thereon with a Stamp of the amount paid into Court on account of such Duty. The provisions contained in Clause 6 Section XV of this Act as to the mitigation or payment of penalties paid to the Collector, shall be applicable to penalties paid into Court under this Section.

Procedure on payment under preceding Clause.

XVIII. No Deed, Instrument, or Writing executed on unstamped or insufficiently stamped paper, shall be stamped at any time after the execution thereof, except as hereinbefore provided.

No unstamped or insufficiently stamped Deed, &c. to be stamped, except as aforesaid.

XIX. When

Procedure (in cases other than those provided for in Sections XV and XVII) for determining the proper amount of Stamp Duty to be impressed on any Deed.

XIX. When in any case other than the cases provided for in Sections XV and XVII of this Act, any person shall entertain any doubt respecting the proper amount of Stamp Duty for any Deed, Instrument, or Writing, he may apply to the Board of Revenue or the Chief Controlling Revenue Authority, either directly or through the Collector of Stamp Revenue of the District, for an adjudication with a view to remove such doubt, and shall, at the same time, pay a fee of ten Rupees, and thereupon such Board or other Authority as aforesaid shall determine the amount of Stamp which such Deed, Instrument, or Writing should bear, and on payment thereof, shall cause such Deed, Instrument, or Writing to be impressed with such Stamp, and an additional Stamp denoting that such adjudication fee has been paid. A Deed, Instrument, or Writing so stamped, shall be received in evidence as properly stamped in any Court of Justice.

Cost of transmitting Deed, &c. to be stamped, by whom to be paid.

XX. The cost of transmitting by post any Deed, Instrument, or Writing required to be stamped under any of the foregoing Sections of this Act, and the cost of registering the same at the Post Office for transmission, shall, in all cases, be borne by the party applying to have such Deed, Instrument, or Writing stamped.

Government not responsible for loss or damage to Deed, &c.

XXI. The Government shall not be responsible for any loss or damage which shall occur in respect of any Deed, Instrument, or Writing entrusted to the Collector of Stamp Revenue of the District for the purpose of being stamped, and no person employed by the Government in the Stamp Department shall be responsible for any such loss or damage, unless such person shall wilfully, fraudulently, or by gross negligence, cause such loss or damage.

Provisions of Sections XV and XVII not to extend to Bills of Exchange, &c.

XXII. The provisions of Sections XV and XVII of this Act shall not extend to Bills of Exchange or other forms of Orders for money, or to Receipts for money.

Exemption from further penalties than those prescribed in Section XV or XVII.

XXIII. The payment of any penalty under Section XV or Section XVII of this Act shall exempt the person paying the same from any further penalty for any such omission or neglect as is therein described, and if any other such penalty shall already have been imposed, the same shall be taken so far as it goes in reduction of any penalty under the said Sections.

XXIV. When

Persons receiving unstamped Draft or Order for payment of money on demand, may affix Stamps thereto.

XXIV. When any Draft or Order for the payment of money on demand chargeable with the Stamp Duty of one anna shall come to the hand of any person unstamped, it shall be lawful for such person to affix thereto the necessary adhesive Stamp and to cancel the same in the manner required by this Act, and upon so doing to charge the Duty against the person who ought to have paid the same, or to deduct such Duty from the sum so directed to be paid, and such Draft or Order shall, so far as relates to the Stamp Duty chargeable thereon, be good and valid ; but this shall not relieve any person from the liability to the penalty which he may have incurred by issuing the said Draft or Order unstamped.

Penalty for executing or receiving only one number of a Policy of Marine Insurance purporting to be drawn in a set of two.

XXV. If any person shall, within the British Territories in India, execute any Policy of Marine Insurance, purporting to be drawn in a set of two, and shall not at the same time execute on paper duly stamped as required by this Act, the two numbers of which such Policy purports the set to consist, every such person so offending shall forfeit a sum not exceeding one thousand Rupees.

Refund in certain cases of half the amount of Stamp Duty on plaint in the event of agreement, compromise, or satisfaction.

XXVI. In modification of so much of Section 98 of the Code of Civil Procedure as declares that on the application of the plaintiff reciting the substance of any agreement, compromise, or satisfaction, in accordance with which a suit is adjusted and disposed of, the Court, if satisfied that such agreement, compromise, or satisfaction has been actually entered into or made, shall grant a certificate to the plaintiff, authorizing him to receive back from the Collector the full amount of Stamp Duty paid on the plaint, if the application shall have been presented before the settlement of issues, or half the amount if presented at any time after the settlement of issues and before any witness has been examined,—it is enacted that if such application shall have been presented before the suit is called up for the settlement of issues, or in suits in which the summons to the defendant shall be for the final disposal of the suit, as directed in Section 41 of the said Code, and in Section 9 of Act XLII of 1860 *(for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts established by Royal Charter)* before the hearing of the suit has commenced, the Court, if satisfied that such agreement, compromise, or satisfaction has been actually entered into or made, shall grant a certificate to the plaintiff, authorizing him to receive back from the Collector

Collector half the amount of Stamp Duty paid on the plaint. Provided that no such certificate shall be granted if the adjustment between the parties be such as to require a decree to pass, on which process of execution can be taken out, or in any appealed suit.

What sum recoverable under a Writing bearing an optional Stamp.

XXVII. No larger sum shall be recoverable in any Court of Justice by reason of any Deed, Instrument, or Writing, for which an optional Stamp is indicated to be proper by the Schedule A annexed to this Act, than the largest sum for which, if specially stated in a Deed, Instrument, or Writing of the same denomination, the Stamp actually used under the option so given would be of sufficient value. And no such Deed, Instrument, or Writing shall be held by any Court of Justice to be valid in respect to any sum of money larger than that for which the Stamp on the said Deed, Instrument, or Writing would be sufficient.

Stamp on certain affidavits.

XXVIII. No Justice of the Peace or any Officer, before whom an affidavit not made for the immediate purpose of being filed, read, or used in any Court of Justice, may be taken, shall receive or attest such affidavit, unless it be written on a Stamp of not less than the value prescribed by the Schedule A annexed to this Act.

Expense of providing Receipt Stamps, &c.

XXIX. Every person receiving payment of any sum of money, the receipt for which under this Act requires a Stamp, shall (if required) give a receipt, bearing the proper Stamp indicated by this Act, and shall bear the expense of furnishing the same, and in case of refusal, shall be liable to a penalty not exceeding one hundred Rupees. The expense of providing the Stamp of any Bill of Exchange, Letter of Credit, Draft, Cheque on a Banker or other person, Promissory Note, or other Order or Obligation for the payment of money made or drawn in the British Territories in India (not being a Bond, Instrument, or Writing bearing the attestation of one or more witnesses), shall be borne by the person making or drawing the same.

Stamp Duties under Schedule B.

XXX. Except in any Court of Justice established by Royal Charter, or in any Court of Small Causes established within the local limits of the jurisdiction of any such Court, no Instrument or Writing of any of the kinds specified as requiring Stamps in the Schedule B annexed to this Act, shall be filed, exhibited, or recorded in any Court of Justice or Government Office, or shall be received or furnished by any public Officer, unless such Instrument or Writing be upon a Stamp of a value not less than that indicated to be proper for it by the said Schedule B.

Provided

Provided that nothing in this Act shall be held to repeal any special provision in the Code of Civil Procedure or in any other Act or Regulation for the use of plain or unstamped paper in any judicial proceeding, unless such provision shall be expressly repealed by this Act.

Proviso.

XXXI. Every provision contained in the Schedules annexed to this Act, shall be of the same force as if it were contained in the body of the Act.

Effect of provision contained in the Schedules.

XXXII. All questions relating to the valuation of claims for the purpose of determining the amount of Stamp Duty chargeable under Schedule B annexed to this Act on any petition of plaint or appeal, shall be decided by the Court in which such petition of plaint or appeal is filed, subject to any appeal to which the orders of such Court are open.

Decision of questions regarding valuation of claims.

XXXIII. The Governor-General of India in Council may, from time to time, by an order to be published in the Official Gazette, direct that in the whole or in any part of the British Territories in India to be specified in such order, such lower rates of Stamp Duty as he shall prescribe, shall be taken on all or any of the Deeds, Instruments, or Writings specified in the Schedules annexed to this Act, or altogether exempt the same, and in like manner, as occasion shall require, cancel or vary such order to the extent of the powers hereby given. Such cancelment or variation shall also be notified in the Official Gazette.

Governor-General in Council may lower rates of Stamp Duty in any District, or altogether exempt the same, &c.

XXXIV. The local Government shall appoint Officers for the collection of the Stamp Revenue, and shall assign Districts to such Officers.

Appointment of Officers for collection of Stamp Revenue.

XXXV. All orders passed by the Collectors of Stamp Revenue shall be open to revision by the Board of Revenue or other Chief Controlling Revenue Authority, except orders passed under Section XV of this Act when the Collector shall allow a Deed, Instrument, or Writing not bearing the proper Stamp to have the proper Stamp impressed upon it, and orders passed under Section L of this Act, when he Collector shall allow a new Stamp or the value in money to be given in ieu of any Stamp which shall have been damaged, soiled, or rendered unfit for ıse. All such orders shall be final and shall not be open to revision.

Orders of Collectors of Stamp Revenue open to revision by Board of Revenue, &c.

XXXVI. The

XXXVI. The local Government may license or cause to be licensed Venders of Stamps, and may direct how and under what conditions Stamps may be supplied to such Venders for sale, and what accounts of such Stamps shall be kept by them. The license may be for any time, and may, at any time, be revoked by the authority granting the same.

Licensed Stamp Venders.

XXXVII. Every Vender of Stamps shall, at all times, have his license, together with the Schedules annexed to this Act, in the Vernacular language of the District, stuck up in a conspicuous situation in the place where he sells the Stamps, on pain of a fine not exceeding fifty Rupees.

Licenses and Schedules to be stuck up in Stamp Vender's shop.

XXXVIII. Every Vender of Stamps shall write on the back of every Stamp which he sells, except adhesive Stamps and Stamps used for Receipts, or for Bills of Exchange, Promissory Notes, Drafts, or other Orders for money, Agreements for Loans falling under Article 13 of the Schedule A annexed to this Act, or Bills of Lading, the date of sale, the name of the person to whom the Stamp is issued, and his own ordinary signature, on pain of a fine not exceeding one hundred Rupees.

Endorsement of Stamps by Venders.

XXXIX. Any Vender who shall knowingly write a false name or date on the back of any Stamp which he is required to endorse under the last preceding Section, shall be punished by a fine not exceeding five hundred Rupees, or imprisonment with or without hard labor not exceeding three months, or both.

Penalty for Vender writing a false name or date.

XL. Every Vender of Stamps shall, without delay, deliver any Stamp which he has in his possession for sale, on demand by any person tendering the value in any currency which the Vender is duly authorized to receive in payment for Stamps, on pain of a fine not exceeding one hundred Rupees.

Delay by Stamp Vender in issuing Stamps.

XLI. Any Vender who demands or accepts for any Stamp any consideration other than the value thereof in such currency as he is duly authorized to receive in payment for Stamps, shall be punished by a fine not exceeding one hundred Rupees.

Stamp Vender accepting any consideration other than that authorized.

XLII. Any Vender who demands or accepts, for any Stamps, any consideration exceeding the value of such Stamp, shall be punished by imprisonment with or without hard labor for a period not exceeding six months, or by a fine not exceeding ten time the

Stamp Vender accepting any consideration exceeding the value of the Stamp.

the value so demanded or accepted, or by both, and it shall be in the discretion of the Court or Officer passing the sentence, to direct the value of the excess to be refunded out of such fine to any person from whom such excessive consideration may have been accepted.

Illegal sale of old Stamps.

XLIII. Any Vender or other person who, after any period which may have been appointed by the Governor-General of India in Council for the commencement of the use of new Stamps, sells any old Stamps, shall be punished by a fine not exceeding one hundred Rupees.

Stamp Vender refusing or omitting to render accounts.

XLIV. If any Vender refuse or omit to render any account required from him, or to permit the Collector of the Stamp Revenue of the District, or any Officer duly authorized by such Collector to inspect his accounts or to examine the store of Stamps in his possession, it shall be lawful for such Collector to proceed against such Vender for the recovery of the value of the balance of Stamps standing against him in the books of such Collector, or for the recovery of the balance of money standing against such Vender in the said books, in the same manner as Collectors of Land Revenue are authorized by law to proceed against persons owing revenue or rent to Government.

Delivery of Stamps, &c. by Vender on determination of his license.

XLV. Any Vender who, upon the determination, revocation, or resignation of his license, does not, within such reasonable time as shall have been prescribed by the Collector of the Stamp Revenue of the District, make over to some Officer duly authorized to receive the same, an account of the Stamps entrusted to him for sale on the part of Government, together with any such Stamps remaining, or which ought to be remaining for sale in his hands, and any balance of cash which may be due from him to Government in respect of such Stamps, shall be liable to a fine not exceeding five hundred Rupees; provided always that no Vender shall, by the payment of such fine, be exempt from any punishment provided by law for any embezzlement of which he shall have been guilty, or from such proceeding as by the last preceding Section the Collector of the Stamp Revenue of the District is empowered to adopt for the recovery of the value of any Stamps or balance of cash remaining in the hands of or standing against such Vender.

XLVI. Upon

On death of Stamp Vender, unsold Stamps &c to be delivered to a duly authorized Officer.

XLVI. Upon the death of any Vender, the person in possession of such Vender's effects shall, upon demand being made by the Collector of Stamp Revenue of the District, or any Officer duly authorized by him, make over within a reasonable time to such Collector or Officer as aforesaid any Stamps which the deceased Vender shall have received for sale on the part of Government and shall not have sold at the time of his death, and any account kept by such deceased Vender in respect to such Stamps, of which Stamps and accounts such person as aforesaid may have the possession, or be able to obtain the possession, on pain of a fine not exceeding five hundred Rupees.

Proceedings against sureties of Stamp Vender.

XLVII. The Collector of Stamp Revenue of the District may call upon the surety of a Vender of Stamps, to make good the value of the balance of Stamps standing against such Vender in the books of such Collector, or the balance of money standing against such Vender in the books of such Collector, and on his failure to do so, may proceed against such surety for the recovery of the value of the balance of Stamps, or for the recovery of the balance of money as aforesaid, in the same manner as Collectors of Land Revenue are authorized by law to proceed against the surety of a person owing revenue or rent to Government.

Unlicensed sale of Stamps.

XLVIII. No person, not being a licensed Vender of Stamps duly appointed, shall sell any Stamp unless it has been in an authorized manner obtained for use and not for sale, under pain of a fine not exceeding one hundred Rupees ; provided that nothing in this Section shall be held to apply to any adhesive Stamp, or to any Stamp used for a Receipt, Bill of Exchange, Promissory Note, or other Order for money, or to an Agreement for a Loan falling under Article 13 of the Schedule A annexed to this Act, or to a Bill of Lading.

If licensed Vender die or his license expire or be revoked.

XLIX. If any licensed Vender die, or if his license expire or be revoked, the Stamps in the possession of such Vender, of which, after deducting the percentage or discount allowed, he has paid the amount to Government, may within three months from the date of the death of such Vender, or from the date on which his license expired or was revoked, as the case may be, be brought to the Collector of Stamp Revenue of the District who shall repay such amount. Provided that such Stamps were actually in the possession of such Vender for the purpose of sale, and were procured by him from the Collector of Stamp Revenue of the District.

L. *Clause* 1.—If

L. *Clause* 1.—If any Stamp Paper, after having been obtained in the manner allowed by this Act, shall have become damaged, spoiled, or unfit for use either by any accident happening to the same, or because of some error in the drawing up or copying of any Deed, Instrument, or Writing thereupon, which being discovered before such Deed, Instrument, or Writing shall be finally signed and executed, renders the same of no avail; or when by reason of the death or refusal of the party whose signature may be necessary to effect the transaction intended by such Deed, Instrument, or Writing, it remains incomplete and of no avail; or when by the refusal of any Office or trust that may be granted by a Deed, Instrument, or Writing, it has failed of the purpose intended; or if any Deed, Instrument, or Writing duly stamped shall not have been finally executed by reason of any accident having happened to the same or because of some error in the drawing up or copying thereof having been discovered the same is rendered of no avail; or if by reason of failure of consideration, the transaction intended by such Deed, Instrument, or Writing cannot be effected, or such transaction has been effected by some other Deed, Instrument, or Writing duly stamped, or in the case of a Promissory Note, Bill of Exchange, or the like, if by non-delivery to the payee or person acting on his behalf, or from other cause, the same is never brought to use, and in the case of a Bill of Exchange, other than a Bill drawn in sets as provided in this Act, if it shall not have been presented for acceptance; in all such cases, it shall be competent to the Collector of the Stamp Revenue of the District, upon delivery being made of such Stamped Paper, so damaged, spoiled, or rendered unfit for use, to cause a similar Stamp or Stamps of equal value to be delivered to the owner of such Stamp Paper, so damaged, spoiled, or rendered unfit for use, or to his representative, upon payment of the value of the Paper on which the new Stamp shall be impressed. The provisions of this Section shall not extend to any Bill of Exchange drawn in a set, if any one of such set shall have been delivered to the payee, or to any adhesive Stamp.

Renewal of damaged or spoiled Stamps.

Clause 2.—The owner of any Stamp which shall be damaged, spoiled, or rendered unfit for use as aforesaid, shall prefer his application to the Collector of Stamp Revenue of the District in which he may have purchased the same, and if such Collector be of opinion that the application ought to be complied with, he shall deliver or cause to be delivered, subject to the provisions of this Act, to the party or his representative, a Stamp similar or of equal value to that which has been damaged, spoiled, or rendered unfit for use. Provided that the application be made within six

Application for renewal.

six months of the period when the Stamp shall have become damaged, spoiled, or rendered unfit for use.

Clause 3.—In any case in which, under this Section, a Collector may give a new Stamp in lieu of a Stamp damaged, spoiled, or rendered unfit for use, he may, if he shall see fit, repay to the party making the application the amount of such Stamp in money.

Collector may repay the amount of damaged Stamps instead of giving new Stamps.

LI. *Clause* I.—From the time when this Act shall come into force, in case of the sale of any land, annuity, or other property, real or personal, moveable or immoveable, not being a share of any Banking Corporation or Joint Stock Company when the same is transferred by simple endorsement, or of any right, title, interest, or claim in any such property, when a Duty is imposed by this Act on the conveyance thereof, the full purchase or consideration money directly or indirectly paid, or secured, or agreed to be paid for the same, shall be truly expressed and set forth in words at length in the principal Deed, Instrument, or Writing, whereby the property sold shall be conveyed to or vested in the purchaser or in any other person. Provided that if the Deed, Instrument, or Writing be framed in accordance with a form prescribed by any Act or Regulation in force and shall not contain such purchase or consideration money, then such purchase or consideration money shall be truly expressed and set forth in words at the foot of such Deed, Instrument, or Writing. If the full purchase or consideration money shall not be fully and truly expressed and set forth in the manner above directed, the purchaser and seller shall each forfeit a sum not exceeding five hundred Rupees, and be charged with the payment of five times the amount of the excess of Duty which would have been payable for such Deed, Instrument, or Writing in respect of the full purchase or consideration money, if the same had been duly expressed in such Deed, Instrument, or Writing, beyond the amount of Duty actually paid for the same.

Conveyance to state truly the amount of the purchase money.

Clause 2.—If any person shall knowingly and wilfully insert or set forth in any such Deed, Instrument, or Writing any less amount than the full and true purchase or consideration money directly or indirectly paid, or secured, or agreed to be paid for the same, he shall incur the penalties prescribed in the preceding Clause of this Section.

Penalty if person employed to prepare a conveyance inserts a less sum than the true purchase money.

LII. No

Prosecution only to be by Collector of Stamp Revenue, &c.

LII. No person shall be proceeded against for any offence affecting the Public Revenue under this Act, except at the suit or prosecution of the Collector of the Stamp Revenue of the District or other Officer specially authorized by the Government in that behalf.

Offences cognizable by Magistrate or Justice of the Peace.

LIII. Every offence punishable by this Act may be tried by any Officer exercising the powers of a Magistrate or of a subordinate Magistrate of the 1st Class as defined in the Code of Criminal Procedure or by a Justice of the Peace.

Imprisonment in case of non-payment of fine.

LIV. If any person sentenced to a fine under the provisions of this Act shall not pay the fine to which he shall be sentenced, it shall be lawful for the Magistrate or Justice of the Peace who passed the sentence to issue his warrant to levy the amount by distress and sale of the goods and chattels of the party fined, or to sentence the offender to imprisonment until the payment of the fine, or the expiration of a term to be assigned, not exceeding three months, whichever shall first take place.

Reward to informers.

LV. A share not exceeding one-half of every fine imposed and recovered under this Act may be awarded by the Magistrate or Justice of the Peace imposing the fine to the informer.

Interpretation.
"Stamp."
"Value."
"Bill of Exchange."
"Deed."
"Paper."
"Sheet."
Number.
Gender.
"Month."
"British Territories in India."

LVI. Throughout this Act and the Schedules annexed to it, the word "Stamp," except when the contrary shall appear from the context, is used to signify a stamped piece of paper or other stamped material for writing on ; and by the "Value" of a Stamp is meant a sum indicated by words or figures duly impressed upon such piece of paper or other material. The term "Bill of Exchange" includes a Hoondee or any other Instrument of a like nature. The word "Deed" includes every Instrument of the nature of a Deed whether under a Seal or not. The word "Paper" includes Parchment, Vellum, or other similar material. The word "Sheet" denotes a stamped paper or other material of the size prescribed by the Governor-General in Council under Section IV. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number. Words importing the masculine gender shall include females. The word "Month" means a Calendar month. The words "British Territories in India" denote the

the territories vested in Her Majesty by the Statute 21 and 22 Vic. C. 106, entitled "an Act for the better Government of India."

Commencement of Act.

LVII. This Act shall come into force on the 1st day of June 1862.

SCHEDULE A.

Containing a specification of the Deeds, Instruments, and Writings which require to be stamped under this Act, and of the proper Stamps for such Deeds, Instruments, and Writings.

	PROPER STAMPS.	
1. Agreement, or any Minute or Memorandum of an Agreement, not being of the nature of a Bond or other Obligation for the payment of money, or of a Conveyance, or of a Deed of Mortgage, Gift, or Dower, and not being otherwise provided for in this Schedule, whether the same be only evidence of a contract or obligatory upon the parties ...	1 Rupee.	
NOTE.—If two or more letters are offered in evidence to prove an Agreement between the parties who shall have written such letters, it will be sufficient if any one of such letters be stamped as an Agreement.		
If the Agreement, or Minute or Memorandum be of the nature of a Bond or other Obligation for the payment of money, or of a Conveyance, or of a Deed of Mortgage, Gift, or Dower ...	The same Stamp as prescribed by this Schedule for such Instrument.	
2. Agreement for an annual or periodical payment not otherwise charged for in this Schedule ...	The same Stamp as for a Bond for the amount of ten years' payment, or of the total sum secured if less.	
3. Agreement, or Minute or Memorandum for a lease, or of the terms and conditions on which any land, house, or other real property is let, held, or occupied ...	The same Stamp as for a Lease for the same property on the same terms and conditions.	
Provided that any lease afterwards made of the same land, house, or other real property in pursuance of such Agreement, Minute or Memorandum, shall be chargeable with a Stamp Duty of 8 Annas only, to be denoted by a Stamp, which shall be affixed to such lease by the Collector of Stamp Revenue of the District upon the production of the Agreement, Minute, or Memorandum bearing the proper Stamp, and not otherwise.		
4. Agreement to cultivate, manufacture, produce, provide, or deliver any article in consideration of advance made—	*Rupees.*	*Annas.*
If the amount advanced do not exceed 50 Rupees ...	0	1
If it exceed 50 Rupees but do not exceed 100 Rupees ...	0	2
If it exceed 100 Rupees but do not exceed 200 Rupees ...	0	4
If it exceed 200 Rupees but do not exceed 500 Rupees ...	0	8
If it exceed 500 Rupees ...	1	0

	PROPER STAMPS.
5. Agreement or Contract, or any Minute or Memorandum of an Agreement, made for or relating to the sale or purchase of any Security of the Government of India, Railway Scrip, Share in any Joint Stock Company, or Bill of Exchange to the amount or value of 100 Rupees or upwards ...	1 Anna.
EXEMPTIONS.	
Agreement or Contract, or any Minute or Memorandum of an Agreement, made for or relating to the sale or purchase of any Security of the Government of India, Railway Scrip, Share in any Joint Stock Company, or Bill of Exchange, if not of the amount or value of 100 Rupees.	
Agreement or Contract, or any Minute or Memorandum of an Agreement, made for or relating to the sale of any goods or merchandize.	
6. Agreement for the hire of a Steamer for tugging a vessel, if for a single trip within the limits of the Port ...	8 Annas.
Beyond the limits of the Port. ...	1 Rupee.
7. Agreement for service or personal employment by the month or for any longer period—	
If the amount of monthly salary or wages secured by such Agreement do not exceed in value 5 Rupees. ...	1 Anna.
If the amount so secured exceed 5 Rs. but do not exceed 20 Rs.	4 Annas.
If the amount so secured exceed 20 Rs. but do not exceed 50 Rs.	8 Annas.
In any other case ...	1 Rupee.
EXEMPTION.	
Agreement for service or personal employment for any period less than a month.	
8. Affidavit or solemn declaration not made for the immediate purpose of being filed, read, or used in any Court of Justice, per sheet ...	1 Rupee.
9. Assignment, if not of the nature specified under the head of Conveyance or Settlement, nor specially exempted—	
In any case where the Assignment is of any interest secured by an original Deed, Instrument, or Writing on a Stamp of a value less than eight Rupees ...	The same Stamp as the original Deed.
In any other case ...	8 Rupees.

PROPER STAMPS.

EXEMPTION.

Transfer by mere endorsement of a Bill of Exchange, Promissory Note, or other negotiable Instrument; or of a Bill of Lading; and transfer by Assignment of a Policy of Insurance.

10. Bill of Exchange, Letter of Credit, Draft, Cheque, Promissory Note, Hoondee, or other Order or Obligation for the payment of money not being a Bond, Instrument, or Writing bearing the attestation of one or more witnesses—

If payable on demand and bearing the date on which it is made, and if the sum payable exceed twenty Rupees ... } 1 Anna.

If payable at sight or at any period not exceeding one year after date or sight—

		If drawn singly.		If drawn in a set of two, each to be stamped.		If drawn in a set of three, each to be stamped.	
		Rs.	As.	Rs.	As	Rs.	As
When not exceeding	100 Rupees	0	1	0	1	0	1
When exceeding 100 and not exceeding	250 „	0	3	0	2	0	1
„ 250 „	500 „	0	6	0	3	0	2
„ 500 „	1,000 „	0	12	0	6	0	4
„ 1,000 „	2,500 „	1	8	0	12	0	8
„ 2,500 „	5,000 „	3	0	1	8	1	0
„ 5,000 „	10,000 „	6	0	3	0	2	0
„ 10,000 „	20,000 „	12	0	6	0	4	0
„ 20,000 „	30,000 „	18	0	9	0	6	0

And for every further 10,000 Rs. or for any part of every further 10,000 Rupees, if drawn singly, 6 Rupees in addition; if drawn in a set of two, each to be stamped, 3 Rupees in addition; if drawn in a set of three, each to be stamped, 2 Rupees in addition.

If bearing no date, the same Stamp as if payable at sight, unless any date or period of payment be specified, in which case the same Stamp as prescribed by Article 12 for a Bond of the same amount.

If drawn in a set of more than three, each of the set in excess of three to be stamped as required for each one of a set drawn in a set of three.

If not drawn singly, each of the set shall state that it is drawn in a set of two or three and shall denote on the face thereof that it is the first, second, or third of the set as the case may be.

If payable at a period exceeding one year after date or sight ... } The same Stamp as prescribed by Article 12 for a Bond for the payment of the same amount.

11. Bill of Lading of or for any goods to be exported. ... } 4 Annas for a single Bill, Acknowledgment, or Instrument, or each part of every set of the same.

Bill of Sale.—See Conveyance and Mortgage.

12. Bond or other Obligation for the payment either absolutely or conditionally of any definite or certain sum of money, not otherwise charged for or expressly exempted from the payment of Stamp Duty in this Schedule—

				Rupees.	Annas.
If for any sum not exceeding			25 Rs.	0	2
Above	25 Rs.	and not exceeding	50 ,,	0	4
,,	50 ,,	ditto	100 ,,	0	8
,,	100 ,,	ditto	200 ,,	1	0
,,	200 ,,	ditto	300 ,,	2	0
,,	300 ,,	ditto	500 ,,	4	0
,,	500 ,,	ditto	700 ,,	5	0
,,	700 ,,	ditto	1,000 ,,	6	0
,,	1,000 ,,	ditto	2,000 ,,	10	0
,,	2,000 ,,	ditto	3,000 ,,	15	0
,,	3,000 ,,	ditto	5,000 ,,	25	0
,,	5,000 ,,	ditto	10,000 ,,	35	0
,,	10,000 ,,	ditto	20,000 ,,	60	0
,,	20,000 ,,	ditto	40,000 ,,	100	0
,,	40,000 ,,	ditto	60,000 ,,	125	0
,,	60,000 ,,	ditto	80,000 ,,	150	0
,,	80,000 ,,	ditto	1,00,000 ,,	200	0
And for every further part of			1,00,000 ,,	100	0
And for every further			1,00,000 ,,	200	0

13. Bond or Agreement for a loan made upon the deposit of Title-Deeds or a Note or other Security of the Government of India, Share, or Debenture of any Railway or Joint Stock Company, Bill of Lading, Warrant for goods deposited in a Bonded or other Warehouse, or Assignment of any Goods, with or without a deposit of the acceptance or Promissory Note of the borrower. Provided that no such Agreement is drawn in the form of a Bond or of a Bill of Exchange or Promissory Note, or in any such way as would render it a negotiable Instrument passing by endorsement, for whatever amount, in case the period of such loan shall not exceed one month ...

If such loan is for a period exceeding one month and not exceeding two months 0

If such loan is for a period exceeding two months and not exceeding three months ... 0

	PROPER STAMPS.
If such loan is for a period exceeding three months ...	The same Stamp as prescribed by Article 12 for a Bond of the same amount.
14. Bond or other Obligation concerning respondentia and bottomry ...	The same Stamp as prescribed by Article 12 for a Bond for the like amount.
15. Bond or other Obligation given as security for the transfer of any Government Security or Stock of any public Company, or for the delivery or accounting for any matter or thing capable of being valued ...	The same Stamp as prescribed by Article 12 for a Bond for the payment of the amount engaged to be paid or accounted for, or of the value of the thing to be delivered or transferred.
16. Bond or other Obligation for an annual or any periodical payment, not being interest upon any principal sum secured by the Bond or other Obligation, whether for a fixed or for an indefinite period ...	The same Stamp as prescribed by Article 12 for a Bond for the payment of a sum equal to ten times the yearly payment, or of the total sum secured, if less.
17. Bond or other Obligation when the amount of the money to be secured is not specified. ...	An optional Stamp—See Section XXVII of the Act.
When the amount is limited to a certain sum ...	The same Stamp as prescribed by Article 12 for a Bond for the payment of such limited sum.
18. Bond or other Obligation for the due execution of an office or work, and any other Bond not otherwise specially provided for or expressly exempted from the payment of Stamp Duty by this Schedule ...	An optional Stamp—See Section XXVII of the Act.
19. Bond or other Obligation taken as collateral security with some Deed or Instrument executed on the Stamp prescribed for a Conveyance or Money Bond, or as security for the performance of any other Contract, Covenant or Agreement, not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand ...	The same Stamp as the Deed, Instrument, Contract, Covenant, or Agreement, if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.
20. Certificate, that is to say, a document denoting or intended to denote the right or title of the holder thereof, or any person, to any Share or Shares or Scrip in any Joint Stock or other Company, or proposed or intended Company; or any Certificate declaring or entitling the holder thereof, or any person, to be or become the proprietor of a Share or Shares or Scrip of or in any such Company ...	1 Anna.
21. Charter-party, or any Agreement or Contract for the Charter or hiring of any sea-going Ship or Vessel ...	2 Rupees.
22. Composition Deed, or other Instrument of Composition between a debtor and his creditor ...	8 Rupees.

	PROPER STAMPS.	
23. Conveyance or Deed or Instrument of any kind or description whatsoever, executed for the sale or transfer, for a consideration, of any land, tenement, rent, annuity, or other property, real or personal, moveable or immoveable, or of any right, title, or claim to or upon, or interest in, any land, house, rent, annuity, or other property, that is to say, for or in respect of the principal or only Deed, Instrument, or Writing whereby the property sold shall be conveyed to, or otherwise vested in, the purchaser, or to some other person by his direction—		
When the purchase or consideration money therein expressed or denoted shall not exceed one hundred Rupees ...	1 Rupee.	
	Rupees.	*Annas.*
Above 100 Rs. and not exceeding 200 Rs.	2	0
„ 200 „ ditto 400 „	4	0
„ 400 „ ditto 800 „	8	0
„ 800 „ ditto 1,200 „	12	0
„ 1,200 „ ditto 2,000 „	20	0
„ 2,000 „ ditto 3,000 „	30	0
„ 3,000 „ ditto 4,000 „	40	0
„ 4,000 „ ditto 5,000 „	50	0
„ 5,000 „ ditto 7,500 „	75	0
„ 7,500 „ ditto 10,000 „	100	0
„ 10,000 „ ditto 20,000 „	150	0
„ 20,000 „ ditto 40,000 „	200	0
„ 40,000 „ ditto 60,000 „	300	0
„ 60,000 „ ditto 80,000 „	400	0
„ 80,000 „ ditto 1,00,000 „	500	0
And for every further 50,000 „	200	0
Or part thereof ..	100	0
24. Conveyance when the consideration is an annuity.	The same Stamp as for a Conveyance when the purchase money is equal to ten times the annuity.	
25. Conveyance of any kind whatever not otherwise charged, if the value of the property conveyed or of the consideration for the Conveyance be stated or appear on the face of the Conveyance	The same Duty as would be charged if a consideration in money equal to such value were expressed in the Conveyance as the consideration thereof.	
If no value appear on the face of the Conveyance ...	50 Rupees.	
26. Conveyance or Transfer of a Share of a Banking Corporation or Joint Stock Company, whether by Deed or Endorsement, when the market value of the Share transferred does not exceed 100 Rupees per Share	4 Annas.	

	PROPER STAMPS.
When itexceeds 100 Rupees and does not exceed 200 Rupees..	8 Annas.
When it exceeds 200 Rupees and does not exceed 300 Rupees.	12 Annas.
When it exceeds 300 Rupees and does not exceed 400 Rupees. and for every 100 Rupees a further Duty of 4 Annas, and for the conveyance or transfer of every quarter or half of any such Share, a corresponding rate of Duty.	1 Rupee.
EXEMPTION.	
All transfers of subscription to any of the Government Loans, or other Government Securities.	
27. CO-PARTNERSHIP.—Deed or other Instrument of—	8 Rupees.
28. COPY—COPY or Extract of any Deed, Instrument, or Writing attested or certified to be a true copy or extract and furnished for the purpose of being given in evidence in any Civil or Revenue Proceeding or made for the security or use of any person being a party to, or taking any benefit or interest immediately under such Deed, Instrument, or Writing	The same Duty as the original when such Duty does not exceed 8 Annas.
If the Duty chargeable on the original exceed 8 Annas, but do not exceed 10 Rupees	1 Rupee.
If the Duty chargeable on the original exceed 10 Rupees, but do not exceed 50 Rupees	2 Rupees.
If the Duty chargeable on the original exceed 50 Rupees	5 Rupees.
NOTE—Every copy bearing the proper Stamp which shall at any time be offered in evidence shall be deemed to have been made for that purpose.	
29. Where such copy may be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under the Deed, Instrument, or Writing per sheet.	8 Annas.
30. Copy, attested or certified to be a true copy or made for the purpose of being given in evidence in any Civil or Revenue Proceeding, of any Will, Testament, or Codicil, or of any Probate, or Probate Copy of any Will or Codicil, or of any Letter of Administration, or of any confirmation of any Testament, Testamentary or Dative, or of any part thereof respectively	1 Rupee.
31. Copy or Extract of any Deed, Instrument, or Writing annexed to any Deed, Instrument, or Writing	The same Stamp as the Deed, Instrument, or Writing from which the copy or extract is made, if of value not exceeding 8 Annas; otherwise 8 Annas per sheet.

	PROPER STAMPS.
32. Copy, authenticated or certified, of any record, letter, account, statement, report, or other writing, furnished to any individual from any Government Office, per sheet	8 Annas.
For copies of Judicial or Revenue Papers given from Courts of Justice, Revenue Offices, &c.	See Schedule B.
EXEMPTION.	
Copy of any paper which any Public Officer is required to make or furnish, for which a Stamp is not specially required by this Schedule.	
33. Counterpart of a lease	The same Stamp as for such lease.
EXEMPTION.	
Counterpart of a lease executed by a ryot or other actual cultivator of the soil, provided that no fine or premium be paid as part of the same transaction.	
(For Madras.)	
Counterpart of a lease executed between landlord and tenant relative to lands in the Presidency of Madras, subject to the payment of Revenue to Government.	
A counterpart of a lease includes a Kubuleut and the like.	
34. COVENANT.—Any separate Deed of Covenant made on the sale or mortgage of any immoveable property or of any right or interest therein (the same not being a Deed chargeable with *ad valorem* Duty under the head of Conveyance in this Schedule) for the conveyance, assignment, surrender, or release of such property, right, or interest, or for the title to or quiet enjoyment, freedom from incumbrance, or further assurance of such property, right, or interest or otherwise by way of indemnity in respect of the same, or for the production of the Title-Deeds, or Muniment of Title relating thereto, or for all or any of those purposes	10 Rupees.
35. Deed of Gift or Dower whether to take effect on the instant or at a future period, determinate or indeterminate	The same Stamp as for a Conveyance.
36. Deed of any kind not otherwise charged or expressly exempted from Stamp Duty by this Schedule	1 Rupee.
37. Duplicate, or counterpart of any Deed, Instrument, or Writing of any description whatever chargeable with Duty under this Act not otherwise charged for or expressly exempted from Stamp Duty under this Schedule	The same Duty as the original when such Duty does not exceed 8 Annas.

	PROPER STAMPS.
If the Duty chargeable on the original exceed 8 Annas, but do not exceed 10 Rupees	1 Rupee.
If the Duty chargeable on the original exceed 10 Rupees, but do not exceed 50 Rupees	2 Rupees.
If the Duty chargeable on the original exceed 50 Rupees.	5 Rupees.
Provided that such duplicate or counterpart Stamp shall be affixed by the Collector of Stamp Revenue of the District upon the production of the original Deed bearing its proper Stamp and not otherwise.	
38. EXCHANGE—Any Deed, Instrument, or Writing whereby any real property shall be conveyed or surrendered in exchange for other property	The same Stamp as for a Conveyance.
39. LEASE—Any lease made in perpetuity, or for a term of years, or period determinable with one or more lives, or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent	The same Stamp as for a Conveyance or Deed of Sale for a sum of the amount of such consideration.

40. Any lease of any land, house, or other real property at a rent, without any payment of any sum of money by way of fine or premium—

	When the lease is for a period not exceeding one year.		When the lease is for a period exceeding one year.	
	Rs.	As.	Rs.	As.
Where the rent calculated for a whole year shall not exceed in value 24 Rupees	0	4	0	8
Exceeding 24 Rupees but not exceeding 50 Rs.	0	8	0	12
" 50 " " 100 "	0	12	1	0
" 100 " " 250 "	1	0	2	0
" 250 " " 500 "	2	0	4	0
" 500 " " 1,000 "	4	0	8	0
" 1,000 " " 2,000 "	8	0	16	0
" 2,000 " " 4,000 "	16	0	32	0
" 4,000 " " 6,000 "	24	0	48	0
" 6,000 " " 10,000 "	40	0	80	0
" 10,000 " " 25,000 "	100	0	200	0
" 25,000 " " 50,000 "	200	0	400	0
and for every additional 25,000 or for any part of every additional 25,000 Rupees	100	0	200	0

41. Any lease of any land, house, or other real property at a rent for an indefinite term, and without any payment of any sum of money by way of fine or premium. — The same Stamp as for a lease for a period exceeding one year.

	PROPER STAMPS.
42. Any lease of any land, house, or other real property stipulating for a rent, granted in consideration of a fine or premium.	A Stamp of value equal to the joint value of the Stamps for a Conveyance in consideration of the fine, and a lease for the rent.
EXEMPTIONS.	
Any lease executed to a ryot or other actual cultivator: provided that no fine or premium be paid as part of the same transaction.	
(*For Madras.*)	
Every lease or other engagement executed between landlord and tenant relative to land in the Presidency of Madras, subject to the payment of Revenue to Government.	
43. Letter, or Power of Attorney, not being of the kinds provided for in Schedule B	4 Rupees.
If the Letter or Power of Attorney be for the performance of one act only and the value of the property to be dealt with be expressed in the Letter or Power and do not exceed 500 Rupees.	1½ Rupee.
44. Warrant of Attorney to confess judgment, or Cognovit, unless taken as collateral security for the payment of any sum of money secured by another Instrument stamped with an *ad valorem* Stamp under this Act	The same Stamp as for a Bond.
If given for securing any sum of money exceeding 500 Rupees, for which the person giving the same shall then be in actual custody under an arrest on mesne process or in execution ...	*Rupees.* 4 *Annas.* 0
If given as such collateral security as above-mentioned ...	5 0
NOTE.—For Wakalutnamahs, Mooktarnamahs, and other powers required to be filed for the conduct of suits or proceedings of any kind pending before the Courts of Justice or before the Revenue Authorities ...	See Schedule B.
45. Letter of license from a creditor to his debtor ...	*Rupees.* 8 *Annas.* 0
46. MORTGAGE.—Any Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation, or of any Acknowledgment in the nature of a Mortgage, Conditional Sale, Pledge, or Hypothecation of or in respect of any immoveable property with or without possession given or of any personal property without possession given, intended as a security for money due or to be lent thereupon; also any Deed or Contract accompanied with a deposit of title-deeds to any property, where the same may be made as security for payment of money due or lent at the time ..	The same Stamp as for a Bond for the payment of the amount due or lent.

	PROPER STAMPS.
47. Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation, or of any Acknowledgment in the nature of a Mortgage, Conditional Sale, Assignment, Pledge, or Hypothecation given for a loan or advance made on the deposit of any personal property ...	The same Stamp as for a Promissory Note.
48. Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation with or without possession given of any immoveable property or of any right, title, or interest therein, intended as security for the transfer of a Government Security, or for the payment of an annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued ...	The same Stamp as for a Bond for the payment of the total amount assured, or for the *bonâ fide* value.
49. Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation with or without possession given of any immoveable property, or of any right, title, or interest therein, given for the security of an Annuity for an indefinite period, such as a Life Annuity ...	The same Stamp as for ten times the annual payment.
Where it may be stipulated that the amount secured by such Mortgage shall not exceed a certain sum ...	The same Stamp as for a Deed of Mortgage of such limited sum.
Where the total amount secured by the Mortgage is unlimited	An optional Stamp—See Section XXVII of the Act.
50. Deed of Mortgage where a Bond shall have been already taken for the amount secured, or where, from any other cause, the Mortgage shall act merely as a collateral security to some other transaction in which an Instrument requiring a Stamp has been executed ...	The same Stamp as for the Bond or other Instrument if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.
NOTE.—Where there are more Deeds than one required to execute the Mortgage in the manner desired by the parties, then for every other Deed than the principal Deed; provided the original Deed has been duly stamped ...	The same Stamp as for the principal Deed if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.
EXEMPTION.	
Letter of Hypothecation accompanying a Bill of Exchange.	
51. MORTGAGED PROPERTY.—Re-conveyance of— ...	The same Stamp as for an Assignment.
52. MORTGAGED PROPERTY.—Release of an equity of redemption of— ...	The same Stamp as for a Conveyance.
53. NOTARIAL ACT.—Any Notarial Act whatsoever not otherwise charged in this Schedule ...	*Rupees.* 2 *Annas.* 0

	Proper Stamps.	
54. Partition by private Agreement or made by a Public Officer, of an estate or property, real or personal, or in the nature of separation of brotherhood, as amongst Hindoos, for each sharer's copy of the Deed of partition—		
When the sharer's portion does not exceed one hundred Rupees in value ...	Rupees. 0	Annas. 8
Exceeding 100 Rs. and not exceeding 200 Rs.	1	0
„ 200 „ ditto 400 „	2	0
„ 400 „ ditto 600 „	4	0
„ 600 „ ditto 800 „	6	0
„ 800 „ ditto 1,000 „	8	0
And for every additional four hundred Rupees, or part thereof...	2	0
When the subject of the partition, consisting either wholly or in part of other property than money, and money not being part of such subject is paid, or agreed to be paid for the purpose of compensating any difference from just proportion in the partition actually made of that subject ...	A Stamp of value equal to the joint value of the Stamp which would have been required had the subject of partition been actually divided with the just proportion and of the Stamp for a Conveyance or Deed of Sale for a sum equal to the amount so paid, or agreed to be paid, for the purpose of compensating the difference therefrom.	
55. Policy of Insurance, or other Instrument, by whatever name the same shall be called, whereby an Insurance shall be made upon any life or upon any event depending upon any life or against loss or damage by fire upon any building or property, not of the description mentioned in Article 56—		
For every sum of one thousand Rupees and also for each and every fractional part of one thousand Rupees ...	Rupees. 0	Annas. 8
56. Policy of Insurance of any ship, vessel, sloop, lighter boat, or the like, or of any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter boat, or the like, or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed two per centum on the sum insured.		
	If executed singly.	If executed in sets of two, each to be Stamped.
	Annas.	*Annas.*
If the whole sum insured shall not exceed one thousand Rupees	8	4

	PROPER STAMPS.	
If the sum insured exceed one thousand Rupees, for every one thousand Rupees, eight annas if executed singly; and if executed in a set of two, four annas for each number.	If executed singly.	If executed in sets of two, each to be Stamped.
	Rupees.	*Annas.*
Where the premium shall exceed two per cent. on the sum insured, if the whole sum shall not exceed one thousand Rs.	1	8
If the sum insured exceed one thousand Rupees, for every one thousand Rupees and also for any fractional part of one thousand Rupees whereof the same shall consist, one Rupee if executed singly; and if executed in a set of two, eight annas for each number.		
If drawn in a set of more than two, each of the set in excess of two to be stamped as required for each one of a set drawn in a set of two.		
NOTE.—A Letter of cover or engagement to issue a Policy of Insurance does not require a Stamp. Provided that, unless such letter or engagement bear the full Stamp prescribed for a Policy of Insurance, no money shall be paid or payable upon it, nor shall it be filed, exhibited, or recorded in any Court in India otherwise than to compel the delivery of a Policy on the prescribed Stamp.		
Promissory Note.—See Bill of Exchange.		
57. Promissory Note for the payment of any sum by instalments, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain	The same Stamp as for a Bond for the payment of the whole amount.	
	Rupees.	*Annas.*
58. Protest of any Bill of Exchange or Promissory Note for any sum of money	2	0
59. Protest of any Commander or Master of a vessel ...	2	0
60. Protest, Notice of intention of—of any Commander or Master of a vessel	0	8
61. Receipt or discharge given for the payment of money or in acquittal of a debt paid in money or otherwise, when the sum received, discharged, or acquitted, exceeds twenty Rupees ...	0	1

	Proper Stamps.	
General Exemptions.		
Letter sent by post acknowledging the arrival of a Currency or Promissory Note, Bill of Exchange, or any Security for money.		
Receipt or discharge for the rent of land paying Revenue to Government, granted to any ryot or other actual cultivator for the rent of land cultivated by him.		
Receipt or discharge written upon any Promissory Note, Bill of Exchange, Draft, or Order for the payment of money, duly stamped.		
Receipt or discharge written upon or contained in a Mortgage Deed, or other Security, or a Deed of Conveyance, Settlement, Personal Bond, or other Instrument duly stamped, acknowledging the receipt of the consideration money therein expressed or the receipt of any principal money, interest, or annuity thereby charged.		
Receipt given for money deposited in any Bank, or in the hands of any Banker, to be accounted for, whether with interest or not, provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for. Provided always that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of any allotment of a share, in respect of a call upon any scrip or share of or in any Joint Stock or other Company or proposed or intended Company, which last mentioned receipt or acknowledgment, by whomsoever given, shall be liable to the Duty charged upon a receipt.		
	Rupees.	*Annas.*
62. Release to an Executor or Trustee from his trust ...	10	0
63. Schedule annexed or referred to in any Agreement, Lease, Bond, Deed, or other Instrument, per sheet ...	0	8
64 Settlement, Marriage Settlement, &c., namely, any Deed or Instrument, whereby any sum of money, or any Government Security or other property, real or personal, shall be settled, or agreed to be settled, upon or for the benefit of any person, in any manner whatsoever ...	The same Stamp as prescribed by Article 12 for a Bond for the payment of the amount or value settled or agreed to be settled; or in cases in which the value shall be indeterminate, an optional Stamp—See Section XXVII of the Act.	
65. Shipping order for or relating to the conveyance of any goods on board of any ship or vessel ...	1 Anna.	
66. Warrant. Bonded Warehouse— ...	8 Annas.	

PROPER STAMPS.

GENERAL EXEMPTIONS.

Any Deed, Instrument, or Writing of any kind made or executed by or on behalf of the Government by any Government Board, Commission, Court, Officer, or Agent.

NOTE.—The foregoing exemption does not extend to any Deed, Instrument, or Writing executed by a Court of Wards, Local Agent, or Officer acting under the authority of any such Court or Agent, or by a Municipal Commissioner or by any Administrator General or a Receiver appointed by any Court; neither does it extend to a sale made for the recovery of an arrear of revenue or rent, or in satisfaction of a decree or order of Court, in any of which cases the purchaser shall be required to pay, along with the purchase money, the price of the requisite Stamp, or else provide such Stamp and shall receive from the Officer conducting the sale a Deed of Sale executed on the proper Stamp.

Renunciation of land executed by a Ryot or other actual cultivator of the land to his landlord.

Will, Testament, and the like, together with a Deed merely declaratory of trust or appointment or otherwise, in execution of powers, or pursuant to any previous Settlement, Deed, or Will.

NOTE.—(*a.*) Any Deed, Instrument, or Writing required by the foregoing Schedule to be stamped, may be written on one or more Stamps, if the value of the Stamps used amount to the value required by the Schedule.

(*b.*) When of several Deeds, Instruments, or Writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed. In any case, however, where there are more Deeds than one, every other Deed than the principal requires the same Stamp as the principal Deed, if of value not exceeding eight Rupees (which shall be the maximum Stamp for collateral Deeds), and every such collateral Deed shall specify by its contents which other is the principal Deed by which the Conveyance has been effected, certifying that it is executed on the proper Stamp.

	PROPER STAMPS.

SCHEDULE B.

Referred to in Section XXX of the Act, containing the Specification of Duties chargeable on Law Papers.

Application.—See Razeenamah.	
1. Application presented to the Collector of Customs at any Presidency Town, and application presented to the Municipal Commissioners, or to any Magistrate, or Justice of the Peace, under Act XIV of 1856 (*for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*).	1 Anna.
2. Bail or Security Bond, or other Obligation, whether of specified amount, or with a penalty of a specific sum of money, or of indefinite amount, when taken by or by order of any Court of Justice, or by any Revenue Authority ...	*Rupees.* 0 *Annas.* 8
EXEMPTION.	
Bail Bonds in Criminal cases, Recognizances to prosecute or give evidence, and personal recognizances for appearance or otherwise.	
3. Certificate granted under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*) if the debt or other property in respect to which the Certificate is granted is sworn not to exceed 500 Rupees ...	4 Rupees.
If exceeding 500 Rupees, but not exceeding 1,000 Rupees ...	8 Rupees.
And for every additional 1,000 Rupees or any part of every additional 1,000 Rupees ...	4 Rupees.
The party to whom such Certificate is granted, or his heir or representative shall, after the expiration of twelve months from the date of such Certificate, and thereafter whenever the Court which granted such Certificate shall require him so to do, file a statement of all moneys recovered or realized by him under such Certificate, and if the moneys so recovered or realized shall exceed the amount of the debts or other property as sworn to by the person to whom such Certificate is granted, the Court may cancel the Certificate and order such person to take out a fresh Certificate on	

	PROPER STAMPS.
the Stamp prescribed by this Article for such enhanced amount. In default of furnishing such statement within the time allowed, the Court may cancel the Certificate.	
4. Copy of Decree if passed in any Court below the Sudder Court or in any Revenue Court in any suit in which the value of the claim amounts to fifty Rupees, or in any regular appeal ...	1 Rupee.
If passed in the Sudder Court in any suit or appeal ...	*Rupees.* 4 *Annas.* 0
5. Copy of a Judgment or Order not being a Decree if passed by a Court below the Sudder Court or in any Revenue Court ...	0 8
If passed by the Sudder Court ..	1 0
If the Judgment be translated into any other language, application for a copy of the translation may be made on unstamped paper, and a copy of the translation may be given in addition to or in place of the copy of the Judgment, and shall bear the same Stamp.	
EXEMPTION.	
Copy of any Judgment, Decree, or Order, if passed otherwise than on appeal in any Court below the Sudder Court in any suit, or in relation to any suit, or in any Revenue Court, in which the value of the claim does not amount to fifty Rupees when such copy is taken out of the Court making the same.	
6. Copy of any Revenue or Judicial Proceeding or Order not provided for in Article 5 or falling under the exemption to that Article, or Copy of any Account, Statement, Report, or the like, taken out of any Civil or Criminal Court or any Revenue Court or Office for use or reference, or when left on Proceedings in place of the original withdrawn—per sheet ...	*Rupees.* 0 *Annas.* 8
7. Copy of any Deed, Instrument, or Writing, stamped in accordance with Schedule A annexed to this Act when left on Proceedings in place of the original withdrawn.	The same Stamp as the original when such Stamp does not exceed 8 Annas, otherwise a Stamp of 8 Annas per sheet.
EXEMPTION.	
Copy of any such Deed, Instrument, or Writing when the original does not require a Stamp under the said Schedule A.	
Letters of Administration.—See Probate.	
8. Mooktarnamah, Wakalutnamah, and other power, filed or presented for the conduct of any case in any Court of Justice, or	

	Proper Stamps.	
before any Revenue Authority—	*Rupees.*	*Annas.*
When presented to the Sudder Court ...	2	0
When presented to the Board of Revenue or other Chief Controlling Revenue Authority ...	2	0
When presented to a Commissioner of Revenue, or to a Commissioner of Customs, not being the Chief Controlling Revenue Authority ...	1	0
When presented to any Court, Civil or Criminal, other than the Sudder Court, or to any Collector or other Revenue Officer ...	0	8
Exemptions.		
Mooktarnamahs executed by an Officer or Soldier of the Army.		
No Stamp is required where Counsel is admitted in any case by any Criminal Court to appear on behalf of a prisoner without a written Mooktarnamah.		
9. Petition of appeal not being from an Order rejecting a plaint, or from a Decree or Order having, by any law, the force of a Decree; and petition or application presented to any Civil Court, shall be written upon Stamp Paper, of the following value, namely—		
When presented to the Sudder Court, ..	2	0
When presented to any Court below the Sudder Court ...	0	8
Special Rule for Bengal.		
10. Petition of Appeal to the Board of Revenue or other Chief Controlling Revenue Authority ...	2	0
Any other petition or application to the Board of Revenue or other Chief Controlling Revenue Authority ...	1	0
Petition or application not falling within any of the other provisions, or of the exemptions of this Schedule, presented to any other Criminal Court, or to any other Revenue Office ...	0	8
General Exemptions.		
Petition or application presented to any Moonsiff's Court, or to any Cantonment Joint Magistrate sitting as a Court of Civil Judicature, under Act III of 1859 (*for conferring Civil jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting*		

	PROPER STAMPS.
those Officers Registers of Deeds), or to any Court of Small Causes constituted under Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the Local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*) in relation to any suit or case of an amount or value less than fifty Rupees, or to a Collector or Deputy Collector in relation to any suit or case of the same amount or value tried under Act X of 1859 (*to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal*).	
Application for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of any exhibit.	
Petition of appeal presented to a Magistrate against the Chowkeedary Assessment.	
Communication made to a Magistrate in regard to Police matters not intended for record.	
Petition to a Collector or Officer making a settlement, relating to matters connected with the assessment of lands, the ascertainment of rights, or to any other matter affecting the settlement of the Government Revenue on land, if presented pending the formation of such settlement.	
Petition to a Board or Commissioner of Revenue relating to the same.	
Petition, application, charge, or information respecting any crime or offence. Petition from any prisoner, convict, or other person in duress, or under restraint of the Court or its Officers.	
EXEMPTION FOR THE PRESIDENCIES OF MADRAS AND BOMBAY.	
No petition or application to the Revenue Authorities need be presented on Stamp Paper, except as prescribed in the Special Rule given at the close of this Schedule with respect to suits cognizable by Collectors in the Presidency of Bombay.	
11. PLAINT OR APPEAL.—Petition of, in suits and appeals not otherwise provided for, instituted in any Civil Court not within the local limits of the jurisdiction of the Courts established by Royal Charter, for the recovery of any sum of money, or to obtain possession of any interest, matter, or thing—	

	Proper Stamps.	
	Rupees.	*Annas.*
If the amount or value of the property claimed does not exceed 16 Rs.	1	0
Above 16 Rs. and not exceeding 32 „	2	0
Do. 32 „ „ 64 „	4	0
Do. 64 „ „ 150 „	8	0
Do. 150 „ „ 300 „	16	0
Do. 300 „ „ 800 „	32	0
Do. 800 „ „ 1,600 „	50	0
Do. 1,600 „ „ 3,000 „	100	0
Do. 3,000 „ „ 5,000 „	150	0
Do. 5,000 „ „ 10,000 „	250	0
Do. 10,000 „ „ 15,000 „	350	0
Do. 15,000 „ „ 25,000 „	500	0
Do. 25,000 „ „ 50,000 „	700	0
Do. 50,000 „ „ 1,00,000 „	1,000	0
Do. 1,00,000 „	2,000	0
If the suit be instituted in a Military Court of Requests, or in the Court of a Cantonment Joint Magistrate under Act III of 1859, and the amount or value claimed do not exceed 8 Rupees ...	0	4
If it exceed 8 Rupees but do not exceed 16 Rupees ...	0	8
If it exceed 16 Rupees but do not exceed 32 Rupees ...	1	0
If it exceed 32 Rupees ...	The same Stamp as for a suit in any other Court.	
In suits for possession instituted under Section XV Act XIV of 1859 ...	A Stamp of one-fourth the value prescribed in the foregoing scale.	

NOTE.—(*a*). In suits for lands paying Revenue to Government not situate within the Presidencies of Madras and Bombay, if forming one entire Mehal, or a specific portion thereof with a defined jumma subject to revision, the value shall be assumed at the amount of the annual jumma payable to Government on account of the Mehal or portion thereof as aforesaid; and where the land has been assessed in perpetuity, at three times the amount of the annual jumma.

(*b*). Within the Presidency of Madras, in suits for land paying Revenue to Government, the value of the property shall be assumed at the amount of the annual aggregate produce of the land computed as payable by the dependent Talookdars, Under-Farmers, and Ryots on account of the year in which the suit may be preferred.

	PROPER STAMPS.	
(*c*). Within the Presidency of Bombay, in suits for land paying Revenue to Government, the value of the property sued for shall be calculated at the amount of the annual assessment.		
(*d*). In suits for Lands exempt from the payment of Revenue the value shall be calculated at eighteen times the aggregate annual rent payable by the Ryots or other Under-tenants of the land.		
(*e*). In suits instituted for houses, gardens, and other things of value, real or personal, not of the descriptions above specified; as well as for any interest in land paying Revenue to Government or for any other right or thing not capable of valuation under the above rules, the amount shall be computed according to the estimated selling price, or when no such estimate can be made, at the sum at which the plaintiff shall estimate the value of his suit; and suits for damages or compensation for injury sustained, and the like, shall be valued at the amount claimed by plaintiff.		
(*f*). If an appeal or plaint, which shall have been rejected by the Lower Court on any of the grounds mentioned in the Code of Civil Procedure, shall be ordered to be received, or if a suit shall be remanded in appeal for a second decision by the Lower Court, the Appellate Court shall grant to the Appellant a certificate, authorizing him to receive back from the Collector the full amount of Stamp Duty paid on the petition of appeal.		
SPECIAL RULE FOR THE PRESIDENCY OF BENGAL.		
(*g*). In suits instituted in the Courts of Collectors and Deputy Collectors under Act X of 1859, for the recovery of arrears of Government Revenue or rent of land paying Revenue to Government, or of money in the hands of an Agent of such land, the statement of claim shall be written on paper bearing a Stamp of one-fourth the value prescribed for suits instituted in the Civil Courts, and in all other suits instituted in the Courts of Collectors and Deputy Collectors under the said Act relating to lands paying Revenue to Government the statement of claim shall be written on paper bearing a Stamp of the value of 8 Annas.		
12. Probate or Letters of Administration granted by any Court, or Certificate granted under Regulation VIII., 1827, of the Bombay Code (*to provide for the formal recognition of Heirs, Executors, and Administrators, and for the appointment of Administrators*	*Rupees.* 4	*Annas.*

	PROPER STAMPS.
and Managers of property by the Courts) or under Act XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.*)	
13. Razeenamah, Rufanamah, Soolunamah, or the like, that is to say :—	
Any written application whereby, or according whereunto, a suit pending in a Court of Civil Judicature shall be adjusted, or be capable of adjustment, without an award of the presiding Judge or other Officer.	To be charged as in Petitinso where Petitions are required to bear a Stamp.
SPECIAL RULE FOR THE PRESIDENCY OF BOMBAY.	
Suits cognizable before Collectors under the operation of Chapter VIII Regulation XVII. 1827 of the Bombay Code (*for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, defining the relative rights in the Land and its produce of the Government and the subject, of the superior holder and the tenant; vesting the Collector with judicial powers in cases regarding land, and its rent and produce, and declaring the circumstances under which exemption from the payment of Land Revenue is to be enjoyed*), as modified by Act XVI of 1838 shall be subject to the same rules in regard to Stamps, as are in force for the Courts of Civil Judicature.	
GENERAL RULE.—If the subject matter of any plaint, written statement, petition, or copy of a decree or order cannot be conveniently comprised within one Stamp Paper of the value prescribed by this Schedule, one or more additional pieces of paper may be used bearing a Stamp of the value required for Petitions. This Rule does not apply to copies of Judgments; any additional piece of paper required for such copies do not require to be stamped	

Bengal Military Orphan Press.

ACT No. XI of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 23*rd April* 1862.)

An Act to amend Act X of 1860 (*to amend Act VII of* 1859, *to alter the Duties of Customs on goods imported or exported by Sea*).

Preamble.

WHEREAS it is expedient to amend the law relating to Customs Duties; It is enacted as follows :—

Customs Duties to be levied as prescribed in the Schedules annexed to this Act.

I. From and after the passing of this Act, in lieu of the Customs Duties authorized to be charged in Act VII of 1859 (*to alter the Duties of Customs on goods imported or exported by Sea*), Act XXIII of 1859 (*to alter the rates of Duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively*), and Act X of 1860 (*to amend Act VII of* 1859, *to alter the Duties of Customs on goods imported or exported by Sea*), there shall be levied and collected the Duties as contained in the two Schedules A and B annexed to this Act. Provided always that nothing herein contained shall be deemed to alter the existing Duties upon Salt and Opium, or to authorize the levy of Duties in any free Port, or to affect the provisions of Act VI of 1848 (*for equalizing the Duties on goods imported and exported on Foreign and British bottoms, and for abolishing Duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company*), and of Act VII of 1848 (*to except certain free Ports from the operation of Section III Act No. VI of* 1848, *and otherwise to amend that Act*).

Proviso.

SCHEDULE A.

PRICE 9 PIES.

ACT No. XI OF 1862.

SCHEDULE A.

Rates of Duty to be charged on the following goods imported by Sea into any Port of India not being a free Port.

1.	Bullion and Coin	Free.
2.	Precious Stones and Pearls	„
3.	Grain and Pulse	„
4.	Horses and other living Animals ...	„
5.	Ice	„
6.	Coal, Coke, Bricks, Chalk, and Stones ...	„
7.	Cotton Wool	„
8.	Wool	„
9.	Flax	„
10.	Hemp	„
11.	Jute	„
12.	Hides and Skins, Raw	„
13.	Books	„
14.	Paper	„
15.	Maps, Prints, Music, and Works of Art...	„
16.	Seeds when imported by any Public Society for gratuitous distribution ...	„
17.	Agricultural implements	„
18.	Machinery of all kinds	„

And the Collector of Customs, subject to the general orders of the Government of India, shall decide what articles come within the definition of Machinery, and such decision shall be final in law.

19.	Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service	Free.
20.	Guano and manures of all kinds... ...	„
21.	Porter, Ale, Beer, Cider, and other similar fermented Liquors	2 annas the imperial gallon.
22.	Wines and Liqueurs ...	2 Rupees the imperial gallon. Except light Wines of value not exceeding 12 Rupees per dozen, which shall pay 1 Rupee the imperial gallon.

23. Spirits.

23.	Spirits	3 Rupees the imperial gallon. And the duty to be rateably increased as the strength exceeds London Proof.
24.	Bottles	Free.
25.	Tobacco unmanufactured	20 per cent *ad valorem.*
26.	Tobacco manufactured ...	
27.	Piece Goods	5 per cent *ad valorem.*
28.	Twist	3½ per cent *ad valorem.*
29.	All articles not included in the above enumeration....	10 per cent *ad valorem.*

SCHEDULE B.

Rates of Duty to be charged upon goods exported by Sea from any Port in India not being a free Port.

1.	Bullion and Coin...	Free.
2.	Precious Stones and Pearls	„
3.	Horses and other living Animals	„
4.	Sugar and Rum	„
5.	Spirits	„
6.	Tobacco and all preparations thereof ...	„
7.	Tea	„
8.	Coffee	„
9.	Raw Silk and Silk Chussum	„
10.	Cotton Wool	„
11.	Wool	„
12.	Flax	„
13.	Hemp	„
14.	Jute	„
15.	Hides and Skins, Raw	„
16.	Books	„
17.	Maps, Prints, and Works of Art... ...	„
18.	Teak Timber	„
19.	Coals	„
20.	Iron	„
21.	Grain and Pulse of all sorts	2 Annas the Indian Maund.
22.	Saltpetre	2 Rupees the Indian Maund.
23.	Indigo	3 Rupees the Indian Maund.
24.	Lac Dye and Shell Lac	4 per cent *ad valorem.*
25.	All country articles not enumerated or named above	3 per cent *ad valorem.*

Printed at the Military Orphan Press.

ACT No. XII of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 23*rd April* 1862.)

An Act to repeal Act II of 1835 *so far as it relates to the Provinces of Arracan and Tenasserim.*

Preamble.

WHEREAS the Provinces of Arracan and Tenasserim have been united with the Provinces of Pegu and Martaban in one general administration under a Chief Commissioner of British Burmah, and it is no longer expedient that the functionaries who are or may be appointed in the said Provinces should be under the control and superintendence of the Court of Sudder Dewanny and Nizamut Adawlut, or of the Board of Revenue; It is enacted as follows:—

Repeal of Act II of 1835 as regards Arracan and Tenasserim.

Proviso.

I. So much of Act II of 1835 as relates to the said Provinces of Arracan and Tenasserim is hereby repealed: provided that any appeals or other matters relating to the said Provinces, and now pending before the Court of Sudder Dewanny and Nizamut Adawlut, or before the Board of Revenue, shall be heard and determined as if this Act had not been passed.

PRICE 6 PIES.

Printed at the Military Orphan Press.

ACT No. XIII of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 23rd April* 1862.)

An Act to provide for a new Silver and a new Copper Coinage.

Preamble.

WHEREAS it is expedient to provide for a new Silver and a new Copper Coinage; It is enacted as follows:—

Repeal of Acts.

I. From the first day of November 1862 so much of the 1st and 2nd Sections of Act XVII of 1835 (*relating to Gold and Silver Coinage*) as provides that only the Silver Coins therein mentioned shall be coined at the Mints within the territories of the East India Company, and that such Coins shall bear on the reverse the words "The East India Company": also Act XXXI of 1837 (*relating to Coinage*), Act XXI of 1838 (*relating to the Silver Coin*), Act XXI of 1835, Act XXII of 1844, and Act XI of 1854 (*relating to the Copper Coin*), shall be repealed, except as to any act already done or Coin already coined or issued under the same.

Description of Coins.

II. From the first day of November 1862, except as provided by Act VI of 1847 (*for establishing a Copper Currency in the Settlements of Penang, Singapore, and Malacca*) in respect of Cents, half Cents, and quarter Cents, no Silver or Copper Coins, except those mentioned below, shall be coined at the Mints in British India.

Silver Coin.

A Rupee to be called the Government Rupee.

A Half Rupee.

A Quarter

PRICE 9 PIES.

A Quarter Rupee or Four Anna Piece

An Eighth of a Rupee or Two Anna Piece.

Copper Coin.

A Double Pice or Half Anna.

A Pice or Quarter Anna.

A Half Pice or one-eighth of an Anna.

A Pie, being one-third of a Pice, or one-twelfth of an Anna.

Weight and Standard of Silver Coins.

III. The Rupee so coined shall be of the same weight and standard as those provided for the Company's Rupee by the said Act XVII of 1835, that is to say, the weight shall be 180 grains Troy, and the standard as follows:—$\frac{11}{12}$th or 165 grains of pure Silver; $\frac{1}{12}$th or 15 grains of Alloy. The other Silver Coins shall be of proportionate weight and of the same standard.

Weight of Copper Coins.

IV. The Copper Coins so coined shall be of the weight prescribed for Coins of the same denominations respectively by Acts XXI of 1835 and XI of 1854, that is to say:—

The Double Pice shall weigh 200 grains Troy.

The Pice ..... 100 „

The Half Pice ..... 50 „

The Pie ..... $33\frac{1}{3}$ „

Inscriptions on Coins.

V. Until the Governor-General in Council shall otherwise order under the power hereinafter reserved, the Silver and Copper Coins so coined shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the Coins in English filled by the word "India," with such date and embellishments on each coin as the Governor-General in Council shall from time to time direct.

VI. It

VI. It shall be lawful for the Governor-General in Council, from time to time, to direct the coining and issuing of all coins authorized by this Act, and to prescribe, in lieu of the likeness and inscription as heretofore prescribed, such other devices and inscriptions and embellishments for all or any of the Coins hereby authorized as, by an order in Council to be published in the Official Gazette, he may direct.

Governor-General in Council may order other devices, &c.

VII. The said Rupee and Half Rupee shall be a legal tender in payment or on account of all engagements whatever, provided the Coin shall not have lost more than two per cent. in weight, and provided it shall not have been clipped or filed, or have been defaced or diminished otherwise than by use.

Rupee and Half Rupee to be legal tender.

VIII. The Quarter Rupee and Eighth of a Rupee shall be legal tender only for the fractions of a Rupee, subject to the same provisions as in the last preceding Section mentioned.

Quarter and Eighth Rupee how to be legal tender.

IX. The Double Pice shall be a legal tender for a thirty-second part of a Rupee or for half an Anna.

Copper Coin how to be legal tender.

The Pice for a sixty-fourth part of a Rupee, or for one-fourth of an Anna.

The Half Pice for a hundred-and-twenty-eighth part of a Rupee, or for one-eighth of an Anna; and the Pie, one-third of a Pice, for a hundred-and-ninety-second part of a Rupee, or the twelfth of an Anna.

Provided that none of the said Copper Coins shall be a legal tender, except for the fractions of a Rupee, and except in the Settlement of Prince of Wales' Island, Singapore, and Malacca for the fractions of a Dollar, at the rate fixed by Act XVII of 1855, namely, the Pice for a hundred-and-fortieth part of a Dollar; the Double Pice for a seventieth part of a Dollar; the Pie for a four-hundred-and-twentieth part of a Dollar; and the Half Pice for a two-hundred-and-eightieth part of a Dollar.

X. All

Coin coined under former Acts still to be legal tender.

X. All Silver Coin of the weight and standard specified in the said Acts XVII of 1835, and XXI of 1838, issued since the passing of those Acts respectively and before the first day of November 1862, and declared by those Acts respectively to be a legal tender, and all Copper Coins of the weight specified in the said Acts XXI of 1835, XXII of 1844, and XVII of 1855 issued since the passing of those Acts respectively and before the first day of November 1862, and declared by those Acts repectively to be a legal tender, shall continue to be a legal tender for the amounts thereof respectively, subject to the same conditions and provisions as under those Acts respectively, anything in this Act contained notwithstanding.

Existing Acts to continue in force.

XI. All Acts and Laws in force in British India at the time of the passing of this Act respecting the Queen's Coin, or the Silver or Copper Coin current in British India, and not repugnant to the provisions of this Act, shall be and continue in full force and effect, and shall be applied to the Silver and Copper Coin to be coined in pursuance of this Act.

Definition of British India.

XII. The words "British India" in this Act denote the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic., c. 106, entitled "An Act for the better Government of India."

Printed at the Military Orphan Press.

ACT No. XIV of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 23*rd April* 1862.)

An Act to amend Act XIV of 1859 *(to provide for the limitation of suits).*

Preamble.

WHEREAS it is expedient to postpone the operation of so much of Act XIV of 1859 as limits the period for the commencement of suits for the amount of bills for articles sold by retail where the cause of action arose before the passing of that Act; It is enacted as follows:—

Suits now pending or instituted before 1st January 1865, for articles sold by retail, in cases wherein cause of action arose before the passing of Act XIV of 1859, to be tried and determined as if that Act had not been passed.

I. All suits that may now be pending or that shall be instituted before the 1st of January 1865, to recover the amount of bills for any articles sold by retail, shall, in all cases in which the cause of action arose before the passing of the said Act XIV of 1859, be tried and determined as if that Act had not been passed.

PRICE 6 PIES.

Printed at the Military Orphan Press.

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IN THE YEAR 1860.

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IN THE YEAR 1861.

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" II, to amend Act VI of 1857 (for the acquisition of land for public purposes).

" III, to provide for the collection of Duty of Customs on Pepper exported by Sea from the British Port of Cochin.

" IV, for the levy of Port-dues at Calingapatam and Munsoorcottah within the Presidency of Fort St. George.

" V, for the Regulation of Police.

" VI, to alter the time from which the Indian Penal Code shall take effect.

" VII, to empower the Governor General in Council to increase the rate of Duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay.

" VIII, for the levy of Port-dues in the Port of Amherst.

" IX, to amend the law relating to Minors.

„ X, to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.

„ XI, to amend Act XIV of 1859 (to provide for the limitation of suits.)

„ XII, to amend Act XLII of 1860.

„ XIII, to regulate temporarily the procedure of the Police enrolled under Act V of 1861 (for the regulation of Police.)

„ XIV, to remove certain tracts of Country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.

„ XV, for the levy of Port-dues in the Ports of the Concan.

„ XVI, for licensing and regulating Stage Carriages.

„ XVII, to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces.)

„ XVIII, for imposing a Duty on Arts, Trades, and Dealings.

„ XIX, to provide for a Government Paper Currency.

„ XX, to amend Act XXV of 1858 (for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay).

„ XXI, for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices) and Act XXXIX of 1860 (to amend Act XXXII of 1860).

„ XXII, to amend Act III of 1857 (relating to trespasses by Cattle.)

„ XXIII, to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)

„ XXIV, to enable the Banks of Bengal, Madras, and Bombay to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.

„ XXV, for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.

„ XXVI, to regulate the occupation of land in the Settlement of Malacca.

„ XXVII, to regulate the administration of Port Blair and other Settlements in the Andaman Islands.

„ XXVIII, to extend the provisions of Act I of 1859 (for the amendment of the Law relating to Merchant Seamen.)

„ XXIX, to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army.

„ XXX, to enable the Bengal Military Orphan Society to register under Act XXI of 1860 (for the Registration of Literary, Scientific, and Charitable Societies.)

„ XXXI, to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.

„ XXXII, to postpone the operation of a portion of Clause 8 Section I of Act XIV of 1859 (to provide for the Limitation of Suits).

„ XXXXIII, to amend the Schedule annexed to the Code of Criminal Procedure.

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